

GORDON'S DEPOSITION EXCERPTS EXHIBET 8

**Date of hire**

7 Q. When were you initially hired into that  
18 position?  
19 A. December of 1999?  
20 Q. You're not sure?  
21 A. Not sure. December or November of 1999.  
22 Q. Prior to ascending or getting appointed to the  
23 position of judge of municipal court, did you  
0006

**Prior Job**

**0006**

1 occupy any other positions?  
2 A. I did.  
3 Q. And what was your most recent position that  
4 you occupied prior to becoming a judge?  
5 A. Prior to becoming a judge, I was an assistant  
6 attorney general in the Attorney General's  
7 Office in Montgomery, Alabama.  
8 Q. And from when to when did you occupy that  
9 position?  
10 A. From approximately October 1987. And that's  
11 an approximation.  
12 Q. And until you got hired?  
13 A. I did.  
14 Q. And what was your principal job  
15 responsibilities as assistant attorney  
16 general?

**0010**

1 position 13 years.  
2 A. I did.  
3 Q. From when to when?  
4 A. Approximately 13 years. It's from September  
5 or October of 1987 until November or December,  
6 1999.

**Legal Education Background**

3 Q. And where did you go after you left Fisk?  
14 A. Tulane University School of Law, New Orleans,  
15 Louisiana.

16 Q. And did you matriculate through Tulane?

17 A. I did.

18 Q. And did you get a JD?

19 A. I did.

20 Q. Did you get any advanced degree beyond a JD?

21 A. I did.

22 Q. What advanced degree did you get?

23 A. I did a major course of study at Ely Broad

0018

1 School of Management at the University of  
2 Michigan, public policies and procedures  
3 toward my master's.

4 Q. And did you obtain a master's in that?

5 A. I did not.

6 Q. How many years did you spend at Tulane Law  
7 School?

8 A. Three or four. I graduated in 1984 -- '87,  
9 three years.

10 Q. Was that in New Orleans?

==

Created: Act No. 273, Amended: Act No. 92-442 I guess, if it was in New Orleans at the time

18 you went, I guess that's the critical part of  
19 this question. I'm glad, as well, that it  
20 still is.

21 Did you take and successfully pass the  
22 Louisiana Bar?

23 A. I did not take the Louisiana Bar.

0019

1 Q. Well, let's get back to your law school  
2 career. Do you recall any of the courses that  
3 you took in law school?

4 A. Contracts. What you take in law school:  
5 criminal procedure, criminal law, contracts.

6 Q. Did you take any public administration law?

7 A. Constitutional law. Public administration  
8 law?

9 Q. Yes.

10 A. No, I -- there was -- I worked at -- no.

11 Q. Any law --

12 A. I don't -- I don't remember.

13 Q. Any law dealing with government service?

14 A. I don't -- no. If I did, I don't remember  
15 specifically.

16 Q. But you did take constitutional law?

17 A. I'm sure as part of my core classes I did.

18 Q. And was that perhaps a year course -- a  
19 year-long course?

20 A. I don't remember whether it was a year or  
21 semester.

22 Q. And did your constitutional law course have a  
23 both criminal and civil component?

0020

1 A. I don't remember. Criminal law,  
2 constitution -- I don't remember.

3 Q. You don't remember?

4 A. Huh-uh (negative response).  
5 MS. NELSON: Say yes or no.

6 A. Yes -- no, I don't remember.

7 Q. You don't recall taking any courses or  
8 studying any cases dealing with constitutional  
9 law on the criminal side?

10 A. Not specifically, no.

11 Q. All right. Do you remember studying any First  
12 Amendment jurisprudence?

13 A. Not specifically.

14 MS. NELSON: Again, I'm going to object to  
15 this line of questioning. If you're  
16 trying to question her about courses  
17 that she took in 1987 about  
18 constitutional law -- the law is what  
19 it is -- to try to get her to say that  
20 she can, you know, interpret questions  
21 of law in this case, I'm going to  
22 object to.

23 MR. JAFFREE: Okay. I took -- I was in

0021

1 law school in 1970, and I sort of  
2 remember my constitutional law  
3 question. But if you don't, fine.

4 MS. NELSON: The Constitution, as I  
5 understand it, the Supreme Court  
6 interprets that. And it -- their  
7 interpretation changes from year to  
8 year as to what the law is. So you  
9 know, I'm objecting to this line of  
10 questioning.

11 MR. JAFFREE: Sometimes they even go back.

12 MS. NELSON: Yeah.

13 MR. JAFFREE: And go back to what it was  
14 before.

15 MS. NELSON: They do.

**Free Speech Knowledge**

Q. Did you realize from your constitutional law  
5 course that people have first amendment rights  
6 to allow them to engage in certain protected  
7 speech?

8 MS. NELSON: Object to the form.

9 A. And, you know, again I have to say, no.

10 Q. No?

11 A. Not from my constitutional law course, I  
12 wouldn't -- I don't remember that.

13 Q. You don't recall any constitutional law  
14 courses dealing with protected speech?

15 A. Not specifically.

16 Q. Okay. Did your constitutional law cover the  
17 Constitution? Did it cover, let's say, the  
18 First Amendment of the Constitution?

19 A. I can only assume, and you want me to say yes  
20 or no. So --

21 Q. Your best guess.

22 A. I don't remember.

23 Q. As your best guess, do you think your

0023

1 constitutional law class covered the First  
2 Amendment?

3 A. I'd hate to guess. You know, I don't --

4 Q. You'd hate to guess?

5 A. I don't remember specifically.

6 Q. Do you remember specifically whether or not  
7 your constitutional law course covered the  
8 freedom of association?

9 A. No, I don't remember specifically.

10 Q. Well, irrespective of what you remember about  
11 your constitutional law class that may have  
12 been -- you said in 1980 -- have your fairly  
13 life-long experience working in the legal  
14 profession taught you anything about First  
15 Amendment jurisprudence?

16 A. No.

17 Q. All right. Do you know that there is a right  
18 to free speech?

19 A. Yes.

20 Q. Do you know that this is a right that  
21 government-sector employees have?

22 MS. NELSON: Object to the form.

23 A. And not specifically. I know it's right

0024

1 that -- that's in the Bill of Rights as a part  
2 of the Constitution. But, no.

3 Q. And do you --

4 A. I don't know what rights government-sector  
5 employees have.

Q. So you may have been a licensed attorney for  
21 the last 20 years?

22 A. Approximately.

23 Q. Have you lost that license for any reason?

0027

1 A. No.

2 Q. So as far as you know, you're still a licensed  
3 attorney?

4 A. Yes.

5 Q. And as a licensed attorney, are you instructed  
6 to know some law?

7 A. By whom?

8 Q. By you.

9 A. I mean, am I expected by whom to know some  
10 law? I don't understand the question. I'm  
11 sorry.

12 Q. Well, let's just say, if the general public  
13 was aware that you had passed the bar exam and  
14 you had practiced law for 20 years, that the  
15 general public would expect you to know some  
16 law?

**Judge denied similarity with the Civil Services Act**

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Q. Are you're familiar with the City of Dothan  
10 Civil Service Act?

11 A. No.

12 Q. Huh?

13 A. No.

14 Q. You're not familiar with this Civil Service  
15 Act?

16 A. No. I mean, I'm familiar with the name, Civil  
17 Service Act, but not the -- what it -- I'm not  
18 familiar with the specifics of the City of  
19 Dothan's Civil Service Act.

**Knowledge That Mary was in the classified service**

Q. Well, are you familiar with Ms. Mary Brackin?  
14 A. Familiar?  
15 Q. Are you familiar with Ms. Mary Brackin, the  
16 plaintiff here next to me?  
17 A. No.  
18 Q. Excuse me. You didn't mean to say no. Do you  
19 know Mary Brackin, the plaintiff, next to me?  
20 A. Do I know her?  
21 Q. Have you ever heard of her?  
22 A. Yes.  
23 Q. Okay. And you know that she was a civil  
0062  
1 service employee in the classified service?  
2 A. Yes.  
3 Q. And you did have some role in bringing about  
4 the termination of Ms. Brackin's employment  
5 with the City of Dothan?  
6 A. Yes. And her hiring.  
7 Q. Pardon?  
8 A. And her hiring, also.

**Recognize that the City Manager is the ultimate authority**

**PAGE 62**

Q. Now, this section says, appointing authority  
13 is the one that should bring about the  
14 discharge of a civil service employee. So in  
15 that context, would you agree that you are the  
16 appointing authority?  
17 MS. NELSON: Object to the form.  
18 A. In that context, I always thought the city  
19 manager was the ultimate authority. But I'm a  
20 department head and she was in my department,  
21 so yes –

**All memo's to Nancy**

Q. All memos, notes, letters written by Judge  
23 Gordon concerning Martin's job performance.  
0087  
1 Do I have everything you have there?  
2 MS. NELSON: Yes.  
3 MR. JAFFREE: There are no other memos

4 other than what y'all have provided to  
5 me?

6 MS. NELSON: Correct.

7 Q. Okay. All memos, notes, letters written by  
8 Judge Gordon concerning Brackin's job  
page 87

9 performance. Do I have all of that?

10 MS. NELSON: That would be in the  
11 personnel file. We've produced all of  
12 that.

13 Q. All memos, notes, letters received by Judge  
14 Gordon concerning Plaintiff Martin's job  
15 performance, anything that you received from  
16 other third parties.

17 MS. NELSON: That would be in her file.  
18 We've produced all that we have -- all  
19 we have on Nancy Martin.

20 Q. Well, I didn't see any letters that you had  
21 received from anybody else. But, okay. I got  
22 all of my stuff with me.

### Role of the Administrator

PAGE 91

Q. Do you wear two hats?

3 A. When we have a court administrator, I -- I  
4 mean, we have a court administrator position  
5 whose job is administrate -- I'm making that  
6 word up -- the magistrates' office. But I  
7 directly supervise the court administrator.  
8 The court administrator supervises the  
9 magistrates when we have that position  
10 filled. So on a day-to-day basis, I  
11 do not -- I cannot literally physically  
12 supervise the magistrates' office.

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10 Q. Well, when you have a person serving as  
11 administrator for the magistrate office, do  
12 you get involved in the day-to-day activities  
13 of the magistrates?

14 A. No.

15 Q. Do you get involved in the job assignments?

16 A. No.

**Relationship between the City Police and the Judicial Department**

16 Q. Is the municipal court an adjunct of the city  
17 police department?

18 A. No.

19 Q. Is the city police department an adjunct of  
20 municipal court?

21 A. No.

22 Q. Are they two separate independent bodies?

23 A. Yes. By law they have to be separate.

0095

1 Q. Is part of the reason they're separate is  
2 because you're required to be an independent  
3 arbiter?

4 MR. JAFFREE: Object to the form.

5 Q. Do you understand my question?

6 A. I do but I don't -- no. I don't know.

7 Q. I'm sorry?

8 A. I don't know.

9 Q. You don't know what?

10 A. I don't know why the -- why they're -- I mean,  
11 I guess on some level I know why. But we're  
12 just separate entity just like we're a  
13 separate entity from the public utilities.

14 We're a separate entity from recreation.

15 We're just two separate departments. We don't  
16 have any of the same personnel in common.

17 Q. Okay. In your capacity as municipal judge, do  
18 you have to be impartial and cannot show  
19 deference to the police department?

20 A. Yes.

21 Q. Do the city police department have any role in  
22 deciding discipline for the Judicial  
23 Department's employees?

0096

1 A. No, not ultimately.

2 Q. Do they have any role?

3 A. No.

**Organizational structure of the Judicial Department**

4 Q. Okay. What is the organizational structure of  
15 the Dothan Municipal Court?  
16 A. I guess it would be presiding judge, court  
17 administrator, magistrates, clerks.

**Administrator discretion**

**PAGE 100**

1 Q. Well, when you have an administrator, do you  
12 sort of allows them discretion to make  
13 decisions as to what to do?  
14 A. Yes.  
15 Q. Is that true independent of who happens to be  
16 functioning as the administrator at any  
17 particular time?  
18 A. Yes.  
19 Q. So you generally don't second guess what the  
20 administrator is trying to do?  
21 A. No.

**PAGE 101**

6 Q. Well, when you hire an administrator, do you  
7 sort of see them to be your shadow person to  
8 do whatever it is you want them to do, or do  
9 you let them function independently?  
10 MS. NELSON: Object to the form.  
11 A. If I hire them to be the administrator, I  
12 expect them to act independently. I  
13 mean -- yeah. I don't expect them to do what  
14 I want them to do.

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5 Q. Well, the decision with respect to discipline,  
6 a subordinate employee, and you and the  
7 administrator differ on what discipline should  
8 be netted out, who would generally prevail in  
9 those disagreements.  
10 A. I -- generally, absent any -- I would let them  
11 do it, because they're over there with them,  
12 they know the facts. They know, you know,  
13 what's going on. And I can't imagine that I  
14 would, you know, not defer if there was just a  
15 -- if there wasn't a problem.

16 Q. Okay.

17 A. I normally wouldn't even know unless they  
18 brought it to me.

19 Q. In your position as municipal judge, who do  
20 you answer to?

21 A. Administrative Office of Courts.

22 Q. And who is that?

23 A. Governing body of judicial systems in the

**Belong to a 100 percent black organization**

Q. Well, what social organizations do you belong  
22 to?

23 A. Oh, Lord. Delta Sigma Theta Sorority.  
0105

1 Q. Is that a female organization?

2 A. It is.

3 Q. Males are excluded?

4 A. Yeah.

5 Q. Black or white organization?

6 A. I don't know that it's been characterized. I  
7 think it's multiethnic.

8 Q. You are of the one -- the group that you  
9 belong to is mostly black, mostly white, or  
10 mixed?

11 A. Mostly black.

12 Q. Would you say 95 percent black?

13 A. Yes.

14 Q. Maybe 99 percent black?

15 A. The one -- the Dothan chapter?

16 Q. Yeah?

17 A. 100 percent black.

18 Q. 100 percent black. What other organizations  
19 do you belong to?

**Never thought about free speech**

15 Q. How would you define -- as an attorney, how  
16 would you define free speech?

17 MS. NELSON: Object to the form.

18 A. I've never thought about it. I mean, freedom  
19 of speech. I've never thought about it. I  
20 don't have a definition.

21 Q. Well, do you think government employees should  
22 be entitled to some free speech rights?

23 MS. NELSON: Object to the form, what she

0112

1           thinks.

2   A. And not just government employees. I know  
3   citizens have a right of free speech whether  
4   they're government employees or not. As a  
5   citizen of the United States, you have a right  
6   of speech.

**However, will not lose their rights once they become government employed**

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4   Q. Let me ask this: Once a person become a  
5   government employee, do you think they lose  
6   their constitutional rights?

7           MS. NELSON: Object to the form as to what  
8         she thinks.

9   A. The constitutional rights as a citizen of the  
10      United States?

11   Q. Yeah.

12   A. No.

13   Q. Once they become an employee.

14   A. I don't think they lose their constitutional  
15      rights.

16   Q. Should their rights be limited because they  
17      become a government employee?

18           MS. NELSON: Object to the form.

19   A. Their constitutional rights as citizens of the  
20      United States?

21   Q. Yeah. Their constitutional rights as citizens  
22      of the United States?

23   A. No. I don't think just because they're

0116

1       employed that they should lose their rights as  
2       citizens of the United States.

3   Q. Do you think free speech liberties are  
4       fundamental in our society?

5           MS. NELSON: Object to the form. It calls  
6         for legal conclusion.

7   Q. Do you think that free speech is a fundamental  
8       right?

9           MS. NELSON: Object to the form. Same  
10       objection.

11   Q. Do you understand what I mean?

12   A. A fundamental right?

13 Q. Yeah.  
14 A. Is it a -- or the most fundamental right?  
15 Q. Well, one of the group of fundamental rights.  
16 A. Fundamental rights.  
17 Q. Do you think so?  
18 MS. NELSON: Object to the form.  
19 A. Yeah. And I've had to think. I would say  
20 yes, I would think it would be.

**Citizen Has the right to know that they can seek recourse**

0119  
1 Q. Well, why not? Why shouldn't the public know  
2 that they have a right to seek recourse with  
3 the City clerk?  
4 A. I think they should know they have a right to  
5 seek recourse with the -- I think they have a  
6 right to know they need to go -- if they have  
7 a claim, they have to go to the City clerk's  
8 office to file that claim. Yeah, I think they  
9 do have that right to know just that. If you  
10 have a claim, you need to go to the City  
11 clerk's office and file it.

**But about wrong done to them**

8 Q. Well, what if something wrong has been done,  
9 do they have a right to know that something  
20 wrong has been done to them by their  
21 government?  
22 A. Generally? I mean, like in the whole world?  
23 I don't know.

0120  
1 Q. Well --  
2 A. Somebody has got to determine that there has  
3 been a wrong.  
4 Q. Well, let's assume that there has been a wrong  
5 and some government employee tells a consumer  
6 citizen/defendant that there has been a wrong,  
7 would that be something that that  
8 citizen/consumer/defendant would have a right  
9 to know or should have a right to know?  
10 MS. NELSON: Object to the form. Right to  
11 know by whom?

12 A. And who said it was wrong, that person?  
13 Q. If they had been wronged, do they have a right  
14 to know that they have been wronged?  
15 MS. NELSON: Object to the form.  
16 Q. Is that something that the consuming public  
17 should know? Do you have to wrestle with this  
18 question?  
19 MS. NELSON: Well, you've got me confused  
20 because I'm not sure what you're  
21 talking about. If you want to  
22 specifically ask her about Mary Beth  
23 Brackin's situation --

0121

1 MR. JAFFREE: I'm asking her in general.  
2 MS. NELSON: You're asking her  
3 hypothetical questions which I don't  
4 even understand.  
5 Q. Well, do you understand the question?  
6 A. I mean, in the whole world?  
7 Q. Your attorney is trying to tell you that you  
8 don't understand, but do you not understand  
9 the question?  
10 A. No. Because you're asking in the whole world  
11 if a citizen has been wronged by the  
12 government --  
13 Q. By his government. Do you think --  
14 A. -- do they have a right to know?  
15 Q. As a general principle, is it a matter of  
16 public concern to that citizen that his  
17 government or her government has wronged them?  
18 MS. NELSON: Object to the form.  
19 Q. As a general principle.  
20 MS. NELSON: Right to know from whom?  
21 Q. Right to know from any member of government  
22 telling that person that your government has  
23 wronged you?

0122

1 MS. NELSON: Object to the form.  
2 Q. The information of something they have a right  
3 to know that the government has wronged them?  
4 Now, the transcript is only going to show  
5 a response. The reality is that you're taking  
6 a long time to respond. And I'm asking  
7 you -- I mean, you're taking a long time to  
8 respond on most of these questions, a long  
9 time.

10        But I'm asking you, is this something that  
11        you're wrestling with in your own conscience?

12        A. I just think it's a vague, hypothetical  
13        question.

14        Q. What's vague about that?

15            MS. NELSON: I don't have a clue what  
16            you're --

17        Q. What's vague about the principle? You think  
18        the principle is vague?

19        A. Whether or not a person had the right to know  
20        that their government has wronged them.

21            MS. NELSON: Object to the form. That is  
22            so hypothetical, so not  
23            understandable.

0123

1        A. Wronged them how?

2        Q. All right. So let's be more specific as your  
3        attorney suggested.

4        A. Please.

5        Q. What if a citizen had been wrongfully arrested  
6        in the City of Dothan in the municipal court  
7        or at least by process that was issued by the  
8        municipal court, they were wrongfully arrested  
9        by mistake, by error, no malice but just  
10        wrongfully arrested? Is that something that  
11        is a matter of public concern, the fact that  
12        they have been wrongfully arrested?

13            MS. NELSON: Object to the form.

14        A. I think it depends on --

15            THE WITNESS: Do I answer?

16            MS. NELSON: Yeah.

17        A. I think it depends on how you define public  
18        concern. I mean, is it the concern of the  
19        entire public that this person has been  
20        wrongfully arrested and should this person go  
21        out broadcasting to the entire world, hey,  
22        this person has been wrongfully arrested? I  
23        don't know. I don't know how what -- I don't

0124

1        know how you define public concern.

2        Q. Let's assume --

3        A. What is public concern, Mr. Jaffree? How do  
4        you define public concern?

5        Q. Something the members of the public would have  
6        a right to know, something that is of import  
7        to members of the public.

8 A. So every claim that's filed against the City  
9 of Dothan by a citizen, an employee should go  
10 tell everybody, hey, this person has been  
11 wronged, they should have a right to do that?  
12 Is that what you're asking me?  
13 Q. Well, that's not what I asked you.  
14 A. I don't know. That's what I'm saying. I  
15 don't what you're asking me.  
16 Q. Let me see if this hypothetical one you're  
17 going to have to wrestle with as well.

**Can tell them that they can get another public defender**

(Brief recess)

0127

1 Q. What about informing a citizen that they could  
2 request the municipal judge to appoint another  
3 public defender; is that a matter of public  
4 concern that defendants should know?  
5 A. That what?  
6 MS. NELSON: Object to the form.  
7 Q. That they can ask the judge to appoint another  
8 public defender, is that something that a  
9 defendant should know?  
10 MS. NELSON: Object to the form.  
11 A. If they can -- if they have a right to ask the  
12 judge to use another public defender?  
13 Q. And if you tell them that is --  
14 A. And that's all they say? You can ask the  
15 judge to give you another public defender.  
16 That's all.  
17 Q. If you tell them that, then that's okay?  
18 A. That's it, right.  
19 Q. So you're saying that that is a matter that  
20 they should have a right to tell somebody?  
21 A. Yeah.

**Agree the merit system employees have a right to continued employment**

15 Q. Goodness. My opinion. Okay.  
16 Do you agree that merit system employees  
17 have a property interest in continued  
18 employment?  
19 MS. NELSON: Object to the form. It calls  
20 for legal conclusion and an opinion.

21 Q. Do you know whether or not they have a  
22 property interest in continuing employment?  
23 If you know.

0130

1 A. I would agree, yes, that they do have a  
2 property interest.  
3 Q. You agree. Okay. Good.  
4 And this right can only be taken for good  
5 cause shown?

6 MS. NELSON: Object to the form.  
7 A. Do I agree that it can be only be taken with  
8 good cause shown?  
9 Q. Yeah.  
10 A. Their property right -- their property  
11 interest in employment can only been taken for  
12 good cause shown. I would agree with that.

**Admit that Mary was a merit system employee**

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11 Q. Was Mary Brackin a merit system employee as  
12 far as you know?  
13 A. Yes, as far as I know.

**Don't remember ever disciplining a black employee**

PAGE 133

12 Q. Let's me ask you this: Have you ever  
13 disciplined a black employee?  
14 A. Specifically, a black employee? I don't  
15 remember.

**Don't remember if she ever sent a white a disciplinary memo**

13 Q. Have you ever sent a memo or other written  
14 document punishing some white employee for  
15 something that they have done?  
16 A. I might have. I -- I'm not -- I don't know.  
17 I'm not --  
18 Q. You don't know whether you have or not?  
19 A. I don't remember every specific incident if I  
20 did send a memo.

21 Q. Do you remember any specific incident?

22 A. No.

23 Q. You don't remember any --

0136

1 A. No.

2 Q. -- specific incident?

3 A. I don't remember any.

4 Q. Okay. Have you ever terminated a white  
5 employee?

6 A. Ever in life?

7 Q. During the time that you was a municipal judge  
8 with the City Of Dothan?

9 A. Yes.

**Admitted that she asked for the . Ralpeje investigation**

1 Q. You're saying Ms. Ralpeje complained saying  
2 what?

3 A. She made allegations that she had been told by  
4 a magistrate that we had had problems with a  
5 public defender, that he wasn't any good, that  
6 he should not have let her plead guilty to  
7 that DUI. And -- and she came back in the  
8 open court in front of people, saying all  
9 that.

10 And then we had a bondsman come up and  
11 said that he felt threatened because  
12 Ms. Brackin had called him at home the night  
13 before and asked him to change his testimony  
14 because she didn't say what he -- what --  
15 anyway, he was upset because he wanted to know  
16 how Ms. Brackin got his number at home to call  
17 him. And he wanted -- and he said that she  
18 called him and asked him. So those were  
19 allegations that I asked for an investigator  
20 to look into.

21 It also involved Ms. Ralpeje's mother or  
22 her sister who was in the lobby also at the  
23 time that Ms. Brackin talked to Ms. Ralpeje.

\*\*\*\*\*0144

1 And -- and I did ask for an investigator  
2 because we needed their expertise in dealing  
3 with witness who are not employees of the  
4 City of Dothan.

**ALSO**

**0146**

1 record?

2 A. I'm sure I did at some point.

3 Q. Okay. And if the record says that Ms. Ralpeje

4 did not say that, you're saying that she did?

5 A. Yeah. I was there.

6 Q. And are you saying that Ms. Ralpeje's other

7 person who was with her said that as well?

8 A. No, I didn't say what the other person said.

9 I said that the other person was in the -- the

10 bondsman and either her sister or her mother

11 were in the lobby with her. And so because

12 they were -- the mother and the sister was

13 there, she was in -- she was part of the

14 investigation. But I didn't do the

15 investigation. No. I asked for the

16 investigators to look into it.

**Report could have included a transcript**

**PAGE 144**

9 A. I think her supervisor got the results of the

10 investigation.

11 Q. Okay. Did you have an opportunity to review

12 the results of the investigation?

13 A. I'm sure I did, but I don't remember

14 specifically.

15 Q. And the results of the investigation would

16 have included the transcript of the

17 investigators?

18 A. I'm not sure what all it included.

19 Q. But it could have included the transcript?

20 A. It could have.

23 Q. Did you have an opportunity to observe the

**0146**

1 record?

2 A. I'm sure I did at some point.

**Gave Betty the amount of discretion she wanted**

2 Q. All right. What amount of job performance

23 discretion did you permit Bettye King, the  
0161 former administrator of the magistrates?  
1 A. What amount?  
2 Q. Yeah.  
3 A. In terms of percentages? You said, what  
4 amount? A lot or little?  
5 Q. I don't mean amount in terms of percentage. I  
6 mean, what degree of job performance  
7 discretion --  
8 A. I don't know.  
9 Q. -- you permitted Bettye King?  
10 A. Whatever degree of discretion she wanted. I  
11 mean, I -- you know, I try not to interfere  
12 with the day-to-day -- the only way I knew  
13 there was a problem over there is if somebody  
14 came to me or it was brought to my attention.  
15 I was not over there every day. I did  
16 not -- I could not physically be over there  
17 every day.  
18

**Can't recall asking Bettye King to redo an evaluation**

15 Q. Was Ms. King black or white?  
16 A. She was black.  
17 Q. Can you identify any occasion when you  
18 requested that Ms. King change a performance  
19 evaluation or any of the subcategories within  
20 an evaluation?  
21 MS. NELSON: Object to the form. I don't  
22 understand what you just asked.  
23 MR. JAFFREE: I cannot believe counsel is  
0164  
1 having trouble understanding all these  
2 questions before --  
3 MS. NELSON: I am having a very hard time  
4 understanding your questions.  
5 Q. All right. I'll try again.  
6 Can you identify any occasion where you  
7 requested that Ms. King change a performance  
8 evaluation or any subcategory within the  
9 evaluation?  
10 A. Can I remember a specific occasion? No, I  
11 cannot remember a specific occasion when I  
12 informed -- asked Ms. Bettye King to change an  
13 evaluation or a subcategory thereof

**Handle over 17,000 tickets per year**

3 Q. -- when you told Nancy that?

4 A. Well, we handle a large volume of paperwork,  
5 approximately 15 to 17,000 tickets per year,  
6 7,000 misdemeanors. And there's a lot of  
7 paperwork and a lot of loose paperwork, some  
8 of it attached by gem clips. And we were  
9 having problems with -- you know, keeping  
10 everything together. So I really wanted her  
11 to work on the filing system, on keeping  
12 paperwork together, and on cross-training  
13 magistrates. And that's something that was in  
14 place when she came, which I told her that we  
15 wanted to do.

16 Q. What was something that was in place?

PAGE 167

**Admit that she told Nancy that Mary under investigation.**

PAGE 180

11 Q. Okay. She also testified that you told her  
12 that Mary Beth was under investigation for  
13 something that she had told a defendant.

14 MS. NELSON: Is that a question?

15 MR. JAFFREE: Yeah.

16 Q. Do you --

17 A. I might have.

18 Q. Do you dispute that you told her that?

19 A. No, I don't dispute.

20 Q. So you may have told her that Mary Beth was  
21 under investigation?

22 A. If she was at the time, yes.

**Could have told her that Sarah Fowler was a follower of Mary**

17 Q. She also testified during this meeting that  
18 you told her that Sarah Fowler wouldn't  
19 instigate anything on her own but she was a  
20 follower of Mary -- Mary Turner and Mary

21       Brackin.

22       Could you have told her that?

23   A. I don't remember telling her that

0182

1       specifically, no.

2   Q. Could you have told her that, perhaps in --  
3       not in those words but similar content?

4   A. Possibly.

5   Q. So you may have told her that?

6   A. Possibly.

7   Q. So if you had told her that Sarah Fowler was a  
8       follower of Mary Turner and Mary Brackin, then  
9       you may have told her something about Mary  
10      Turner and Mary Brackin; is that correct?

11   A. I don't know. I mean, what I would have told  
12      her is what their job duties were, how they  
13      interacted in the office, because I was trying  
14      to give her a feel of the whole office. I  
15      would have told her about every magistrate. I  
16      wouldn't have just sat there and said  
17      something about three people –

**Dito With respect to Michelle Bryan**

21   Q. She didn't say it was just limited to three.

22       Now, with respect to Michelle Bryan, she  
23       said you told her that she was in a hole with

0183

1       leave time, that she was out sick a lot, out  
2       sick with her children.

3       Could you have told her that?

4   A. Possibly.

**PAGE 183**

9   Q. She also testified you told her that Michelle  
10      was very cute and divorced.

11       Could you have told her that?

12       MS. NELSON: When she did she testify to  
13       this? Object to the form.

14       MR. JAFFREE: Well, I mean, look at the  
15       transcript. She did testify to that.

16   A. "Very cute and divorced." I don't know.

17       MS. NELSON: You said yesterday.

18           **MR. JAFFREE:** Well, I recall the  
19            testimony.  
20   **Q.** Well, did you tell her that she was cute and  
21       divorced?  
22   **A.** I don't -- I don't remember specifically  
23       telling her that.

**PAGE 184**

7   **Q.** -- she socialized a lot in the office and that  
8       she talked on the phone with several police  
9       officers, and was dating several. This is her  
10      testimony.  
11       Did you tell her that?  
12   **A.** I don't -- that was kind of common knowledge  
13       around the office. I don't remember  
14       specifically telling her that.  
15   **Q.** But it was so common, you knew about it,  
16       right?  
17   **A.** Everybody knew about it.  
18   **Q.** Including you?  
19   **A.** Yes.  
20   **Q.** So you may have told her that?  
21   **A.** I don't remember -- I don't gossip like that  
22       with somebody I've never met before. No.

Well --

0185

1   **A.** No.  
2   **Q.** If Nancy --  
3   **A.** No.  
4   **Q.** So you didn't tell her that?  
5   **A.** In her interview, Mr. Jaffree, I told her all  
6       that in her job interview?  
7   **Q.** Well, I'm telling you what Nancy says.  
8   **A.** I'm asking. No, I did not, in a job  
9       interview.  
10   **Q.** No. She didn't say interview.  
11   **A.** That's what you said.  
12   **Q.** She said in a subsequent meeting, she said she  
13       came in two or more times subsequently --  
14       subsequent to her being hired but before she  
15       actually put boots in the ground to start

16 working physically in the facility, she said  
17 she met with you and you told her this, one on  
18 one, no committee, just you and her, mono to  
19 mono.

20 Do you remember her testimony?

21 A. No.

22 Q. You don't remember her testimony?

23 A. No, not specifically.

0186

1 Q. She also testified that you would have to deal  
2 with her dating and cut down on her  
3 socialization -- socializing.

4 Could you have told her that?

5 MS. NELSON: You're talking still in the  
6 time before she was hired?

7 MR. JAFFREE: Yeah. She was hired but  
8 before she started working.

9 MS. NELSON: You said, before she "put  
10 boots in the ground." I have no idea  
11 what that means. You're saying,  
12 before she was hired or after she --

13 MR. JAFFREE: I said more than just boots  
14 in the ground. I said boots in the  
15 ground and started working at the  
16 facility.

17 MS. NELSON: Before -- so you're asking  
18 her, did she say -- we're talking  
19 about a time frame before she started  
20 working at the facility.

21 MR. JAFFREE: Subsequent to her hire but  
22 before her start date.

23 A. So what was she doing?

0187

1 Q. At any time, do you recall telling Nancy to  
2 cut down on Michelle Bryan's socialization --  
3 socializing with men?

4 A. I don't specifically remember that, but I  
5 remember that that was a problem during that  
6 time.

7 Q. Do you generally remember telling Nancy that?

8 A. No, but I remember -- no. I don't remember  
9 saying, Nancy --

10 Q. So it was a problem?

11 A. Yes.

6 Q. So she could have gotten this information from  
7 Valarie Savage?  
8 A. Right. Or just -- I don't know.  
9 Q. Or she could have gotten it from you; you're  
10 not sure?  
11 A. I don't know.  
12 Q. She could have gotten it from you?  
13 A. I don't -- I don't think so.

**Ann Baxter**

16 Q. And then she went on to Ann Baxter, and she  
17 said you mentioned that she was nice and would  
18 do anything for you, but she had problems  
19 balancing money.  
20 Now, could you have told her that Ann  
21 Baxter, sweet person, but had problems  
22 balancing money? Could you have told her  
23 that?

0192

1 A. I'm not sure.

15 Q. With respect to Ann Baxter, I think she also  
16 said that she makes numerous mistakes in  
17 computer entry.  
18 Did you tell her that?  
19 MS. NELSON: Are we talking about Ann --  
20 MR. JAFFREE: Ann Baxter.  
21 MS. NELSON: Ann Baxter? So your question  
22 is, did the judge --  
23 Q. Tell Nancy that, that Ann Baxter makes

0194

1 numerous mistakes in computer entry?  
2 A. I don't know. I remember telling her that  
3 there were a lot of computer problems. And  
4 Ann -- because Ann was working the window, she  
5 had to bear the brunt of it.  
6 Q. So you may have told her that part?  
7 A. That they had computer problems, yes

Q. Tell Nancy that, that Ann Baxter makes

0194

1 numerous mistakes in computer entry?  
2 A. I don't know. I remember telling her that  
3 there were a lot of computer problems. And

4       Ann -- because Ann was working the window, she  
5       had to bear the brunt of it.

6       Q. So you may have told her that part?

7       A. That they had computer problems, yes.

8       Q. So you may have told her that.

9       A. That they had computer problems.

10      Q. Do you recall telling her that, or you may  
11       have told her that?

12      A. I may have told her they had computer  
13       problems.

14      Q. So you can't dispute that?

15      A. No, that they had -- were having computer  
16       problems. No.

17      Q. So we're parsing out what you may have told  
18       and not told her about Ann.

19           She also stated that you told her that Ann  
20       was, at that time, being investigated by  
21       Valerie Harris.

22           Are you familiar with Valerie Harris?

23      A. I'm am. She was an internal auditor doing the  
0195

1       liaison between the computer system and us.  
2       The city manager appointed her. So Valarie  
3       Savage might have been working on the computer  
4       problem errors that Ann was having.

5       Q. Is it conceivable that Valerie may have  
6       been -- Valerie Harris, that is, may have been  
7       investigating --

8       A. Computer problems.

9       Q. -- Ann Baxter?

10      A. Computer problems. Ann bore the brunt of it  
11       because she worked the window. She worked the  
12       window, so she was the one entering. And so  
13       she had more computer errors.

14      Q. Well, my question is, whatever Ms. Harris was  
15       investigating, it could have involved Ann  
16       Baxter?

17      A. It could have. Yes, it could have, and  
18       computer errors.

19      Q. So you could have -- and you may have told  
20       Nancy that?

21      A. Right.

20           MR. JAFFREE: I don't remember either now.

21           Let me move on.

22      Q. Do you recall telling Nancy that Ann Baxter

23 had a lot of money?

0198

- 1 A. I don't know how I would have known that. No,
- 2 I don't recall telling her that.
- 3 Q. Did you know that Ann Baxter had a lot of
- 4 money?
- 5 A. No.
- 6 Q. Did you know Ann Baxter owned a real estate
- 7 company?
- 8 A. I know she had previously.
- 9 Q. Did you tell Nancy that she had owned a real
- 10 estate company?
- 11 A. I'm not sure. I don't recall.
- 12 Q. Did you know that Ann Baxter inherited land
- 13 from a family member?
- 14 A. I don't -- I don't know. No. I don't --
- 15 didn't know Ann that well -- I mean, to know
- 16 all that.
- 17 Q. Well, do you know that now?
- 18 A. No. I know that she owned a real estate
- 19 company before.
- 20 Q. What about inherited money from a family
- 21 member; did you know that?
- 22 A. No.
- 23 Q. You don't know that now? So you didn't tell

0199

- 1 Nancy that?
- 2 A. I don't think so.

### **Color of Magistrates that Judge bad mouthed**

0200

- 1 A. To the beginning of your list. You asked me
- 2 about -- who? Mary Beth is white. Mary
- 3 Turner is white. Ann Baxter is white. Who
- 4 else you asked me about?
- 5 MS. NELSON: Sarah Fowler.
- 6 A. Sarah Fowler is white. The office was --
- 7 MS. NELSON: Michelle Bryan.
- 8 A. -- predominantly white. Michelle Bryan.
- 9 Q. All right. Now, would you agree that if
- 10 Nancy's version is correct, then you said
- 11 something negative about each of those people?
- 12 MS. NELSON: Object to the form.
- 13 A. If Nancy's version were correct, yeah.
- 14 Q. So you gave her sort of a negative picture of

15 each of these white --

16 MS. NELSON: Object to the form. She's  
17 just denied most everything you've  
18 asked her about.

19 Q. My question is, if Nancy's version is correct,  
20 you gave her a negative view of each of these  
21 white magistrates.

22 MS. NELSON: Object.

23 Q. Is that correct?

0201

1 MS. NELSON: That's totally not the  
2 testimony and hypothetical.

3 A. If Nancy's version were correct, but it's not  
4 correct.

5 Q. Now, do you remember what Nancy stated that  
6 you told her about Lavera?

7 A. No, I don't.

8 Q. She said that you highly praised Lavera, that  
9 she was a good magistrate.

10 A. I thought Valarie is the best magistrate we've  
11 ever had, and she didn't say I said that.

12 Q. That she previously worked at the jail, very  
13 well liked, knowledgeable.

### New office configuration acknowledgement

12 Q. Do you remember how the office assignments  
13 were configured?

14 A. Yes.

15 Q. Let me -- remember yesterday when Nancy  
16 testified that Fran gave her something?

17 MS. NELSON: Again, you're producing a  
18 document that should have been  
19 produced yesterday when I deposed.

20 MR. JAFFREE: Well, Nancy said she didn't  
21 have that document yesterday. She had  
22 it at home, but didn't have it with  
23 her.

0206

1 MS. NELSON: Okay. Well, I again reserve  
2 the right to question her not only on  
3 some other things that have come up  
4 but also as to Plaintiffs' Exhibit  
5 Number 5.

6 MR. JAFFREE: Talking about some other  
7 thing that came up. Because it's only

8 one thing other than that document  
9 that came up.

10 MS. NELSON: Well, the other documents you  
11 continue to produce that she didn't  
12 produce yesterday.

13 MR. JAFFREE: Well, that's so funny. The  
14 second document.

15 Q. But let me ask you to look at what is -- what  
16 did I say -- Plaintiffs' Exhibit 5 and ask you  
17 if you can identify that document.

18 A. Yes.

19 Q. You have seen that document before, haven't  
20 you?

21 A. Yes -- no, no, I've not seen this document  
22 before.

23 Q. Well, how can you identify it?

0207

1 A. I mean, no. You said -- I meant this. Can I  
2 identify these offices? Yes.

3 Q. Well, before I get to the offices, have you  
4 ever seen that document before?

5 A. Have I ever seen this document before? Not  
6 that -- I can't remember.

7 Q. All right. Your counsel, I'm sure, will stop  
8 me if I'm incorrect. But did you hear Nancy  
9 testifying that that document was circulated  
10 around the office so the people would know  
11 where their offices were?

12 A. No. I -- I did hear her testify to that.

13 Q. Are you in a position to dispute that  
14 testimony that a document --

15 A. No.

16 Q. -- was circulated?

17 A. No, I'm not.

18 Q. So it could have been that document?

19 A. It could have been, but I don't know.

20 Q. Do you remember her testifying that Fran came  
21 by after she had resigned, sometime later  
22 perhaps even after Nancy had unceremoniously  
23 had been separated from --

0208

1 MS. NELSON: Object to the form.

2 Q. -- her office and gave that to Nancy?

3 A. Do I remember Nancy saying that?

4 Q. Testifying. Yeah.

5 A. Yes, I do.

6 Q. And you see Fran's name on there, right?  
7 A. Yes.  
8 Q. Okay. Well, does that diagram depict, based  
9 on information you have available to you, a  
10 rough sketch of what that office looked like?  
11 A. As much as I can --  
12 Q. Now, let me draw your attention --  
13 MS. NELSON: Well, I'm not sure she  
14 answered that.  
15 A. Yeah. As much as I can determine, it's a  
16 really rough draft.  
17 Q. I accept that as an answer. Let me move on to  
18 the next question

**Judge responsible for office assignment**

22 Q. So who was responsible for office assignments?  
23 A. I was. Lavera was over the -- well, I was.  
**0212**  
1 Q. Did you send Lavera out as your emissary to  
2 tell other staff members that is the office  
3 assignment?  
4 MS. NELSON: Object to the form.  
5 Q. Do you understand the question?  
6 A. Yes, I do. But, no, I did not send her as my  
7 emissary. She was in charge of the physical  
8 move. Mary Beth, your client was in charge of  
9 moving the files.  
10 Q. So are you saying that because she was in  
11 charge of the --  
12 A. Mary Beth --  
13 Q. -- physical move, she had to tell people where  
14 their offices are going to be located?  
15 A. She had to tell them -- yes. So they would  
16 know where to -- to take -- to put their  
17 stuff.

**Deny punishing Mary T by not giving her an office**

14 Q. Do you remember Nancy's testimony that you was  
15 punishing Mary Turner for some altercation she  
16 had had with Kai Davis at some meeting? Do  
17 you remember Nancy's testimony to that?  
18 A. Yes.  
19 Q. She testified that you told her that?

20 A. Yes.

21 Q. Did you tell Nancy that you was punishing Mary  
22 Turner by not giving her an office in  
23 retaliation for what she may have done or not

0217

1 done with respect to Kai Davis?

2 A. No.

3 Q. Didn't tell Nancy that?

4 A. No.

**Dispute that special effort was made to give Tonia office**

9 MS. NELSON: Object to the form, comment.

10 Q. Now, do you remember Nancy also testifying  
11 that you had it as one of your priorities to  
12 insure that the new person, Tonya Minifield --  
13 is that her last name -- get a nice office?

14 Now you'd had an administrator on board  
15 that, according to you, have discretion and a  
16 whole host of things. Did you direct Nancy to  
17 give Tonya Minifield a nice office?

18 MS. NELSON: Object. Not so much to that  
19 question but to all the prior  
20 commentary before.

21 A. I guess my point is, we gave Valarie a bigger  
22 office.

23 Q. Do you understand the question?

0218

1 MS. NELSON: He asked about Tonya. Ask  
2 the direct question about Tonya. Did  
3 you direct Tonya -- what was the  
4 question?

5 A. No, I did not direct Nancy to give --

6 MR. JAFFREE: Do you want to take over my  
7 chair now and ask her?

8 MS. NELSON: No. But you just go into  
9 this long commentary, which I don't  
10 agree with and that is not a  
11 question. But it finally led to a  
12 question which was, did she direct  
13 Tonya and something.

14 Q. Did you recommend Tonya for any particular  
15 office?

16 A. No.

17 Q. Did you tell Nancy that you wanted Tonya to  
18 have an office?

19 A. An office?  
20 Q. Yeah, any office?  
21 A. Any office?  
22 Q. Any office.  
23 A. Yes, I'm sure did. I don't know.

0219

1 Q. Did you recommend an office --  
2 A. No.  
3 Q. -- for Tonya?  
4 Did you suggest that you wanted her to  
5 have an office to which she would be pleased?  
6 A. No.  
7 Q. Well, what exactly did you tell Nancy with  
8 respect to Tonya's office, to the best of your  
9 recollection?  
10 A. I don't remember anything specific about  
11 Tonya's -- giving Tonya a special office or an  
12 office. There were office -- there was office  
13 space back by the kitchen that was not being  
14 used. It's a huge office. I think  
15 Valarie has -- so I said, you know, you  
16 wouldn't have put -- if I had brought Tonya in  
17 and put her in that huge office, then they  
18 would have really complained. So we put  
19 Valarie in the huge office in the back and  
20 gave her Valarie's other office.  
21 Q. Why did you busy yourself with what kind of  
22 office Tonya got?  
23 A. Because we were renovating -- the offices

0220

1 weren't complete. The building was in the  
2 process of being renovated. We had to go back  
3 to the commission and ask them to let us  
4 continue on with the building. You see, we  
5 had run out of space. We had to go back to  
6 them and ask them to let us continue on  
7 renovating.

### Tonya color

v0221

1 A. No, I -- yes, I dispute that. I'm sorry.  
2 Q. Well, was Tonya white or black?  
3 A. Black.  
4 Q. And she was new; is that correct?

5 A. New in terms of -- I don't understand the  
6 question.

**COMPLAINTS NEED TO BE IN COLOR**

23 Q. You do acknowledge that you asked that  
0222

1 complaints be put in writing?

2 A. I told -- yes, I said that they need to be in  
3 writing.

4 Q. Do you also acknowledge that you said  
5 complaints that's not in writing wouldn't be  
6 given any serious consideration?

7 A. I don't remember saying that.

8 Q. Could you have said that?

9 A. To whom?

10 Q. To Nancy.

11 A. I don't remember specifically saying that, but  
12 I would have preferred that they be in  
13 writing.

14 Q. You'd have preferred that they be in writing?

15 A. Yeah. If they gave me a serious complaint, of  
16 course. But, yeah, needed to be -- I would  
17 prefer in writing.

**Deny that Nancy asked to sit in on Tonya's interview**

4 A. Tonya had been interviewed before we ever  
5 hired Nancy.

6 Q. So you dispute Nancy's contention that she  
7 wanted to sit in on the interview with Tonya?

8 A. I dispute that Nancy ever asked me could she  
9 sit in on an interview with Tonya, and I said,  
10 no, you can't.

11 Q. Well, I guess if Tonya was already hired  
12 before you interviewed Nancy --

13 A. She was already interviewed.

14 Q. Interviewed. Did you have any subsequent

20 Q. So Nancy is making up this business about  
21 wanting to be in on the interview with Tonya?

22 A. Nancy is lying if she said that I told her,  
23 no, you cannot sit in on this interview. I  
0224

**Ricky Stokes complaint**

# Do we have one

**9 on that A-Advantage Bonding Company Complaint?  
10 (Brief pause)**

11 Q. I noticed that Nancy wasn't asked all of that  
12 yesterday. But I'm curious how she would  
13 respond if she was asked.

14 A. I am, too.

**15 MS. NELSON: What number are you marking  
16 now?**

17 MR. JAFFREE: Number 6. I'm sorry.  
18 (Plaintiffs' Exhibit 6 was marked  
19 for identification.)

## **20 THE WITNESS: Can we take one second?**

**21**                   **MR. JAFFREE:** Yeah.

**22** **(Brief recess)**

**23 Q. Let me show you what is marked as Plaintiffs'**

0231

1      Exhibit 6, and ask you, prior to today, have  
2      you ever seen that document?

3 A. I don't remember specifically seeing this  
4 document, no.

5 Q. But you could have seen it?

6 A. It says on here that Nancy called me to  
7 discuss the complaint. And that might be  
8 where my knowledge of it comes from. I don't  
9 remember specifically seeing this. And it  
10 looks like the original. So I don't remember  
11 seeing it. No. Specifically, no.

12 Q. Well, if that was the original, who would it  
13 come to first? I mean, the envelope would  
14 have been sent to who?

## 15 A. I'm not sure.

16 MS. NELSON: You assume there is an  
17 envelope. I object to the form.

**18 A. Yeah. I really don't know.**

19 Q. Okay. Well, did Nancy bring the facts of that  
20 to your attention?

21 A. She said she did. I know that there was a  
22 complaint by Advantage about bond -- about  
23 bonding stuff. But also he complained about

0232  
1       the court docket, so it would have been  
2       forwarded to her because all these were things  
3       under her purview, the docket and -- you know,  
4       she was their supervisor. And he said -- it

5 says here he gave her a copy.

6 Q. Do you remember Ms. Brackin's testimony that  
7 she talked to you about that complaint as  
8 well?

9 A. I don't remember her testimony saying that,  
10 and I don't know when she would have had  
11 occasion to talk to me about it.

12 Q. And because that somebody from A-1 had  
13 contacted her since Lavera didn't have the  
14 time to fool with it?

15 MS. NELSON: Object to the form.

16 A. Not specifically.

17 Q. Do you dispute Nancy's note that's on there?

18 A. That she called me?

19 Q. Well, you want to read the entirety of the  
20 note?

21 MS. NELSON: Well, why don't you read the  
22 note.

23 A. "Complaint filed by Rickey Stokes. Nancy  
0233

1 called judge to discuss complaint. What would  
2 happen now? Judge laughed and said nothing  
3 would be done because Rickey was always  
4 causing trouble. She said I should just not  
5 worry about the complaint."

6 Q. Is that something that you would have  
7 remembered had you said?

8 A. Yeah. I would have forwarded it to Nancy to  
9 handle. This was her department. She's the  
10 supervisor.

11 Q. Did you recommend that Nancy -- well, let's  
12 back up because maybe Nancy didn't have the  
13 authority to do this.

14 Did you consider having the police  
15 department internal affairs do an  
16 investigation?

17 A. Of?

18 Q. Of Rickey's complaint.

19 A. No. I mean, I would have forwarded it to  
20 Nancy who was the supervisor at that time to  
21 handle.

22 Q. Would you have made a recommendation?

23 A. That what?

0234

1 Q. That internal affairs do an investigation?

2 A. I don't see where -- would I have made a -- if

3 I had gotten this letter -- if I had gotten  
4 this complaint, would I have asked internal  
5 affairs to investigate it?

6 Q. Well, what if you had got a complaint that  
7 says Laveria refused to act on it and didn't  
8 care whether or not somebody was being  
9 wrongfully arrested or not?

10 MS. NELSON: Object to the form.

11 Q. Would that have triggered --

12 A. It's just hypothetical.

13 Q. Would that have triggered an internal  
14 investigation? Well, it's not hypothetical  
15 when somebody testifies to that.

16 A. That somebody was wrongfully arrested and  
17 Laveria said she didn't care?

18 Q. Didn't have time to deal with it.

19 A. I don't think that was her testimony. She  
20 said he could have been. Somebody could have  
21 been wrongfully arrested.

22 Q. Okay. Somebody could have been, but she  
23 didn't -- she didn't want to intercede to

0235

1 prevent that from happening. Apparently, the  
2 only thing that prevented it from happening is  
3 Mary Brackin's intervention, correct?

4 MS. NELSON: Object to the form.

5 A. Well, that's what Mary Brackin says.

6 Q. But do you dispute what Mary Brackin said?

7 A. That she's the only thing that prevented this  
8 person from -- I have no personal knowledge of  
9 this.

10 Q. Do you dispute that Mary Brackin said she  
11 talked to you about this and you said  
12 something to the effect that --

13 MS. NELSON: Talked to her about what,  
14 now? There are about five things on  
15 this exhibit.

16 Q. Talked to you about the fact that you came to  
17 Laveria and she didn't want to bother with it?

18 MS. NELSON: Wait. That who came to  
19 Laveria?

20 MR. JAFFREE: Someone from A-1 came to  
21 Laveria complaining, maybe Rickey  
22 Stokes came to her directly.

23 MS. NELSON: And what's your question; did

0236

1           the judge know about this?  
2   Q. Well, she testified that she talked to you  
3       about that. Do you dispute that?  
4   A. I don't remember specifically.  
5   Q. So she could have?  
6   A. I mean, yeah, she could have but --  
7   Q. And she's testified that you blew her off.  
8   A. Who?  
9   Q. Mary Brackin testified that you blew her off.  
10      MS. NELSON: Object to the form. And the  
11       testimony was not stated that way.  
12      Q. Could you have blown her off?  
13      MS. NELSON: Object to the form.  
14      A. Not if somebody was about to get wrongly  
15       arrested. I mean, I would have told her to  
16       look into it, find out what's going on.  
17      Q. But you wouldn't --  
18      A. That's not something I would have encouraged.  
19      Q. You wouldn't care that --  
20      A. Yes, I would have cared.  
21      Q. -- Lavera didn't care about it?  
22      A. Yes, I would have cared. If there was a  
23       possibility that somebody could have got

0237

1       arrested, booked, charged, yes, I would have  
2       cared.  
3   Q. Okay. Do you recall Nancy testifying that you  
4       told her you wasn't going to do anything about  
5       it because this bonding company was always  
6       causing problems?  
7   A. I remember her testifying to that.  
8   Q. Do you dispute you told her that?  
9   A. I -- yes. Because I think I would have  
10      forwarded it to her to handle --  
11      Q. And that --  
12      A. -- if I'd gotten it.  
13      Q. And that Lavera does a good job. I'm sorry.  
14      I'm talking over you.  
15      Also, that Lavera does a good job handling  
16      alias warrants and that this company wasn't  
17      worth giving a second glance to?  
18   A. No, I dispute saying this company is not worth  
19      giving a second glance to.  
20   Q. Do you remember Nancy's testimony with respect

levera executes warrants

PAGE 243

5 or not.

6 Q. Did Sergeant Woodruff ever complain to you?  
7 A. I know there was a computer problem with the  
8 warrants. I don't remember specifically  
9 because she executes warrants. And that's her  
10 connection to them.

**Dispute that she took side of Lavera in who shoultke over in her absence**

Q. Now, Lavera came to you and complained about  
0244  
1 that, correct?  
2 A. I don't remember that.  
3 Q. Could that have happened?  
4 A. I don't remember it if she did.  
5 Q. Do you remember talking to Nancy about this?  
6 A. Not specifically, no.  
7 Q. You don't recall telling Nancy that she really  
8 should let Eunice and Tonya take over?  
9 A. No. I remember it was Nancy's policy that  
10 each person had to get somebody to cover for  
11 them. If they did not, she -- they were to be  
12 disciplined.  
13 Q. Yeah.

**Don't recal incident with Nancy and Eunance memo**

0250

1 A. I don't remember what happened.  
2 Q. Do you remember that sometime in July of 2004,  
3 Nancy sent a memo to Eunice regarding a bond  
4 changing procedure, that Eunice was very  
5 angry, and she went to you? Sorry. Back up.  
6 That she sent Nancy a memo saying that Nancy  
7 didn't have the authority to change bond  
8 procedure. Nancy thought this memo was  
9 insubordinate and discussed it with you, and  
10 you felt that it was not insubordinate because  
11 this was something new and Eunice was the  
12 first one that she had sent a memo to. So you  
13 put a stop to any insubordination.  
14 MS. NELSON: I'll object to the form and  
15 assumes facts not in evidence.  
16 Q. Well, do you remember that factual situation?

17 A. No. No.

18 Q. But did it happen?

19 A. I don't remember. But she --

20 Q. Could have happened?

21 MS. NELSON: What happened? I'm not sure  
22 what you're asking.

23 Q. Could it have happened that Nancy came to you

0251

1 about a memo that she received from Eunice  
2 that she thought was insubordination because  
3 Eunice had told Nancy that she don't have the  
4 authority to do what Nancy was trying to do,  
5 and Nancy consulted with you about whether or  
6 not this memo was insubordinate. And you said  
7 no.

8 Could that have happened?

9 A. That's not what she testified to yesterday.

10 She said I signed it.

11 Q. Well, did that happen as a fact.

12 A. I don't -- no. I don't remember that.

13 Q. So it could have happened?

14 MS. NELSON: I object to what could have  
15 happened. She said she didn't  
16 remember it happening.

17 Q. Well, see, your attorney didn't ask her every  
18 question. Your attorney has left off some  
19 stuff. I deliberately because of the lateness  
20 of the day didn't cover a whole bunch of  
21 things I was going to cover.

22 But I'm asking you, could that have  
23 happened?

0252

### Don't remember if Nancy spoke about Eunice and Leavea mistakes

19 Q. Well, okay. Fine.

20 She also testified that she talked to you  
21 about the numerous mistakes that Eunice and  
22 Lavera makes, and I think she misspoke talking  
23 about a hundred times more than. But that was

0253

1 sort of a term of emphasis as opposed to a  
2 term of fact. But numerous times about the  
3 errors that they made, and you indicated that  
4 everybody makes mistakes.

5 MS. NELSON: Object to the form.

6 Q. Did you ever have that conversation with her  
7 about not wanting to hear about mistakes that  
8 Eunice and Lavera makes because everybody  
9 makes mistakes?

10 A. I don't remember specifically.

### Admit door incident

11 Q. Do you remember the discussion that she had  
12 with you about she felt that Eunice and Lavera  
13 were being insubordinate because she did a  
14 memo telling them not to use a certain door  
15 for security reasons and they continued to do  
16 it; and she discussed this with you as  
17 insubordinate and you thought it was silly and  
18 not insubordinate.

19 Did you have that discussion with her  
20 about the use of the wrong door? Did you have  
21 that discussion?

22 A. I want to answer truthfully. Yes, I had a  
23 discussion with her about the door. And I

0254 1 told her to write them up if they continued to  
2 go out the door, but she also had to write all  
3 the other magistrates up that were going out  
4 the door.

5 Q. You didn't tell her that you thought --

6 A. No.

7 Q. -- this was silly?

8 A. I -- I thought it was silly, but I supported  
9 her in it. No, I did not tell her that.

10 Q. Well, you didn't tell her it was silly but you  
11 thought it was silly?

### Lavera evaluation dispute

14 Q. Let's back up for a second. And I'm sure you  
15 remember this. Nancy was instructed to do an  
16 evaluation of Lavera, and you expressed  
17 displeasure with the markings and comments  
18 that Nancy had made on the evaluation,  
19 correct?

20 A. Displeasure. I don't -- I don't know that it  
21 was displeasure. I was concerned.

22 Q. You was happy?

23 A. I was -- I was reticent. I was concerned.

0256

1 Q. Concerned. Is that the word you feel  
2 comfortable with, concerned?

3 A. Yes.

4 Q. And that before you would sign off on this,  
5 you went to two other people? Who did you go  
6 to?

7 A. Three people.

8 Q. Who did you go to?

9 A. The personnel department.

10 Q. Let me stop you. Who in the personnel  
11 department did you go to?

12 A. We were all together.

13 Q. Oh, all three of you together?

14 A. I asked them to help me look over it.

15 Q. You asked them as a committee to help you look  
16 over --

17 A. No. We always go to Personnel about personnel  
18 issues. Any issue, we go to Personnel.

19 Q. Who is "we" you're referring to?

20 A. I say "we." I can't say for all department  
21 heads, but I do.

22 Q. On this occasion, who did you go to first?

23 A. Personnel.

0257

1 Q. I don't know what that means.

2 A. The personnel department.

3 Q. I don't know what that means.

4 A. I can't be clearer.

5 Q. Yes, you can.

6 MS. NELSON: There's a personnel

7 department for the City of Dothan.

8 How much clearer --

9 Q. Who? The personnel department is a who?

10 MS. NELSON: Who in the personnel  
11 department?

12 Q. The personnel department is a who. Okay.

13 What individual in the "who" personnel  
14 department did you go to?

15 A. If I remember correctly, it was Martha  
16 McClain.

17 Q. Who is she?

18 A. She is in the personnel department.

19 Q. In what capacity?

20 A. I'm not sure her title.

21 Q. Now, what day-to-day responsibility does  
22 Martha McCain have over -- what is Eunice's  
23 last name -- I mean, Lavera's last -- Lavera

0258

1 McCain? I'm suddenly drawing a blank. Well,  
2 what day-to-day responsibility does Ms. McCain  
3 have on Lavera's job?

4 A. None.

5 Q. What day-to-day observation does Ms. McCain  
6 have on Lavera's job performance?

7 A. None.

8 Q. Well, what was is the rationale of going to  
9 Ms. McCain --

10 MS. NELSON: It's McClain, isn't it?

11 Q. Ms. McClain. I'm sorry. Ms. McClain to get  
12 an assessment of an evaluation of something  
13 that she would have no role in evaluating and  
14 no ability to observe?

15 MS. NELSON: I object to the form. It  
16 assumes facts not in evidence. And  
17 she's never testified or you haven't  
18 let her testify as to why she went to  
19 Personnel.

20 Q. Well, you want to testify as to why you went  
21 to McCain?

22 MS. NELSON: McClain.

23 Q. Ms. McClain.

0259

1 A. Are you asking me to?

2 Q. Well, yeah.

3 A. Because it was a personnel issue. And any  
4 time we have issues of personnel matters that  
5 we don't understand -- and I say "we" as a  
6 totality, as the department head. And anytime  
7 with personnel -- I have a personnel issue,  
8 then I go to Personnel to try to get an answer  
9 as to form, as to whether it's the correct way  
10 to do things, anything involving a personnel  
11 issue.

12 Q. What was the personnel issue at play here?

13 A. Well, there was several. It seemed that  
14 Nancy -- a lot of her comments were based on  
15 third-party stuff that happened before she  
16 came.

17 Q. Which comments?

18 A. Well, I asked her about the computer errors.  
19 And she said, well, I understand Lavera chose  
20 to take vacation instead of getting computer  
21 training.

22 And I said, well, Nancy, how would you  
23 know that? You weren't here.

0260

1 That was before she was hired.

2 Q. Well, that's --

3 A. Hearsay.

4 Q. -- a process question.

5 MS. NELSON: You're asking her what she  
6 disputed, and she's trying to tell you  
7 from what she --

8 MR. JAFFREE: Well, please let me finish.

9 We're talking about apples and oranges  
10 here. One thing is that she commented  
11 about some errors, and then she  
12 commented that maybe the errors came  
13 about because of lack of computer  
14 training. But she doesn't need to know  
15 that Lavera didn't have computer  
16 training in order to observe computer  
17 errors.

18 Q. Is that correct?

19 A. I don't know.

20 MS. NELSON: You asked her to explain why  
21 she took issue with some of the marks  
22 on the evaluation, and she's trying to  
23 tell you.

0261

1 MR. JAFFREE: No. She's telling me things  
2 that --

3 MS. NELSON: You don't like what she's  
4 telling you, so you're trying to  
5 change her testimony and put words in  
6 her mouth.

7 MR. JAFFREE: I don't have anything  
8 against what she is telling me except  
9 that the question on the floor was,  
10 what is it that she didn't know that  
11 resulted in the markings. The  
12 markings of errors is something that  
13 she could have known without having  
14 knowledge that Lavera went to computer  
15 training.

16 A. Well, Nancy didn't -- she wasn't proficient.  
17 She didn't know what they did. I didn't  
18 understand how she could grade someone on  
19 something she did not know how to do herself.  
20 And I asked her about that.

21 And she said, well, Mary Beth said that  
22 this is the way you're supposed to do it.

23 And I said, Nancy, you cannot base an  
0262

1 evaluation on hearsay.

2 Q. Well --

3 A. You cannot do that. And I told -- I asked  
4 her, I said, have you looked at her other  
5 evaluations? Have you -- you know, she graded  
6 her so far down that she would not have gotten  
7 a promotional raise. And I knew that it was  
8 appealable. I knew that anything based on  
9 hearsay would be appealed. And to me, that  
10 was a personnel issue. I really was trying to  
11 guide her, you know, just talk to her and say,  
12 how do you do that.

13 Q. I'm a little confused on the hearsay part with  
14 respect to --

15 A. She kept saying what Mary Beth and --

16 Q. Well, hold on. With respect to a -- for  
17 instance, if something was supposed to be done  
18 a certain way and Nancy feels that the way  
19 that's been told to her makes sense but Lavera  
20 was not doing it that way, I don't know how  
21 that's a hearsay question.

22 But at the time you assigned Nancy to do  
23 this task, you were aware, were you not, of  
0263

1 limitations that Nancy had?

2 A. I mean, she implied that she -- no. I  
3 was -- I was not aware of all the limitations  
4 that Nancy had when I hired her.

5 Q. Well, I mean, what prior magistrate experience  
6 did Nancy have at the time you hired her?

7 A. I don't know. She implied that she'd been to  
8 court, that she'd done all this stuff for  
9 Legal Services and that she had all this  
10 experience with court and -- and, you know --

11 Q. Well, how --

12 A. She implied that she --

13 Q. What does Legal Services have to do with

14 municipal court?

15 A. I don't know.

16 Q. I mean, do you have any reason to think that  
17 Legal Services get involved in municipal  
18 court?

19 A. I had no reason to think she would lie. Not  
20 specifically municipal court. She just said  
21 court.

22 Q. Well, let's be practical here. By that time,  
23 you had been the judge of municipal court for

0264

### The length of time it took to learn about Nancy's inefficiencies

0266

1 A. I guess the answer is yes.

2 Q. Are you now, just so we're clear on the  
3 Record, trying to change issues and say Nancy  
4 was dishonest in her application and that can  
5 be a legitimate basis for the separation? Are  
6 you trying to advance that theory.

7 A. No -- I'm -- I'm -- yeah. I am, yeah.

8 Q. Oh, now you're trying --

9 A. No. I'm saying she was misleading in her  
10 experience and that it showed after she'd been  
11 there for about a month, that she just wasn't  
12 proficient in what she was doing.

13 Q. So after she'd been there a month, you're  
14 quite --

15 A. Approximately.

16 Q. Approximately a month. You're quite certain  
17 of this?

18 A. Approximately. No, I'm not certain of the  
19 time.

20 Q. But it was quite evident quite early?

21 A. No, at first she --

22 Q. So now it wasn't evident quite early, it just  
23 blossomed later?

0267

1 MS. NELSON: She's trying to answer your  
2 question. She said she didn't know  
3 the approximate time.

4 Q. I mean, was it within the first two months  
5 somehow you was able to tell?

6 A. She never did grasp it.  
7 Q. Or the first three months?  
8 A. Never grasped it. But basically --  
9 Q. So you was able to tell the deficiencies  
10 immediately?  
11 A. No, not immediately.  
12 MS. NELSON: Object to the form.  
13 Q. Well, how long does it take you to grasp the  
14 deficiencies if you couldn't do it within the  
15 first three months?  
16 MS. NELSON: Object to the form.  
17 A. I don't remember how long it took to notice  
18 that she was not proficient.  
19 Q. Well, pretty much from day one she wasn't  
20 efficient.  
21 A. Is that your statement or --  
22 Q. Is that your statement?  
23 A. No, that's not my statement.

0268

1 Q. What's your statement?  
2 MS. NELSON: Y'all are just sort of  
3 talking among each other. Ask her  
4 questions. Ask her a question,  
5 please.  
6 MR. JAFFREE: I'm asking her a question.  
7 Q. Was she deficient from day one or not?  
8 A. No.  
9 Q. So she --  
10 A. She might have been. I just didn't notice it.  
11 Q. So she blossomed into a deficiency. Can you  
12 live with that statement?  
13 A. No.  
14 MS. NELSON: Object to form.  
15 A. Her deficiencies were revealed as time went  
16 on.  
17 Q. I see. It took you awhile to notice it. Is  
18 that your testimony?  
19 A. They were revealed over time.  
20 Q. It took you awhile to notice it?  
21 A. No, they were revealed over time.  
22 Q. But until they was revealed, they were  
23 concealed?

0269

**Specific complaints of Nancy's evaluation**

0272

1 Q. I see. So the old evaluations would be old  
2 people that's not in the office anymore.  
3 A. No. But they'll be written, documentary  
4 evidence of that employee. I mean, she's  
5 listening to what -- she said they told her  
6 that Lavera chose to take vacation instead of  
7 going to computer training. She had no  
8 first-hand knowledge of that. She wasn't  
9 employed there. She said that they told her  
10 that Lavera left the office and was on the  
11 phone all the time when she was gone. And I  
12 said, Nancy, you can't use that.

13 Q. Did those comments come out in the evaluation,  
14 that you're on the phone all the time? Was  
15 part of evaluation? I didn't get a copy of  
16 that evaluation.

17 A. I just remember her saying that they told her  
18 that when she was gone --

19 MS. NELSON: Well, just a minute, now.  
20 For the Record, Mr. Jaffree, you do  
21 have that evaluation. And that  
22 evaluation, I questioned your client  
23 about yesterday.

0273

1 MR. JAFFREE: Well, let me look. It is  
2 conceivable that I have -- I got so  
3 much stuff.

4 MS. NELSON: Well, I just wanted to make  
5 it very clear; you do have that  
6 evaluation. Don't say that I didn't  
7 provide it to you.

8 MR. JAFFREE: I will dig through this  
9 stuff to see. I certainly didn't spot  
10 that one because I was trying to look  
11 for it.

12 Q. But be that as it may, who else did you talk  
13 to in addition to the person at personnel?

14 MS. NELSON: Would you like to see the  
15 evaluation? Would that help you? It  
16 seems like you have memory enough to  
17 tell.

18 A. Yeah. Yeah, I remember that it was -- we were  
19 in -- it was after department -- it was a  
20 department head meeting. I don't know why we

21       were all in there together. But the  
 22       acting -- it was the city manager at the time,  
 23       Jerry Corbin was there. Martha McClain from  
**0274**

1       personnel and John White who was the chief of  
 2       police.

3       And I was asking, how do you handle this  
 4       evaluation where the employee -- what I told  
 5       you. I was really trying to give guidance  
 6       on -- you know, I really was looking at it  
 7       more like helping her because I knew it would  
 8       be appealed if it was all based on third-hand  
 9       knowledge.

**10**      Q. And you knew this based on Lavera's prior  
 11       propensity for appealing?

**12**      A. No. I just knew that that was --

**13**      Q. You speculated or was it based on your  
 14       friendship with Lavera?

**15**      A. No. I just knew that she couldn't base an  
 16       evaluation on -- on what somebody told her  
 17       happened before she got employed.

**18**      Q. How would Lavera, independent of talking to  
 19       you, know that she had based that evaluation  
 20       on what other people have said?

### Motivation for questioning evaluation

**17**      A. No. It was his -- I was asking him a  
 18       general -- I was asking them, how you handle  
 19       a -- the situation. I didn't want to change  
 20       her evaluation. That was her evaluation of  
 21       Lavera, but I wanted to give her guidance on  
 22       what she could and could not use. And I  
 23       didn't know how to do that.

**0277**

**1**      Q. You was determined that that evaluation not  
 2       stand; is that correct?

**3**      A. No. Because I could have just not signed it.  
 4       I could have not agreed with it. I had that  
 5       liberty to do that.

**6**      Q. Well, why didn't you just not sign it?

**7**      A. Well, because I wanted -- Nancy was her  
 8       supervisor. I didn't want to overrule her. I  
 9       just wanted to give her guidance on what she  
 10       could and could not use as an exact -- Nancy

11 was new to evaluating people.

12 Q. Okay. Now, were you satisfied with Nancy's  
13 modification of the evaluation?

14 A. I -- I must have been. I don't remember.

15 Q. Now, which part of it -- the modified version  
16 was not based on hearsay?

17 A. I don't remember.

18 Q. So even the modified version could have been  
19 tainted with hearsay; is that your testimony?

20 A. I don't -- I don't remember. I don't know.

21 Q. You don't know. But you was satisfied with  
22 the modified evaluation and you signed it  
23 correctly; is that correct?

0278

### Dispute the threat of job loss

Q. If she testifies that you didn't get her to  
22 change any other evaluation from any other  
23 magistrate, would you be in a position to

0284 1 dispute that?

2 A. I don't think I got her to change this. I  
3 just asked her to review it and use her  
4 knowledge, not just what somebody -- not use  
5 what somebody told her.

6 Q. Do you remember her testimony that you said,  
7 this is not a threat, but you are still  
8 probationary?

9 A. I don't -- I heard her say that yesterday.

10 Q. Now, you see if you could go home, study this,  
11 and bring me back something different.

12 MS. NELSON: Is your question, does she  
13 remember Ms. Martin making that  
14 statement?

15 Q. Well, did you tell her that?

16 A. No.

17 Q. Did you tell anything closely approximated to  
18 that?

19 A. No. I -- I had a memo saying could you review  
20 this or -- could you review this --

21 Q. So her memory of that conversation and your  
22 memory of that conversations differs?

23 A. I never threatened her, if that's what she

0285

1       says, I threaten her with her job. That's  
2       what she said yesterday.

3   Q. Well, you told her that this is not a threat  
4       but --

5   A. That's what she says.

6   Q. Do you dispute that?

7   A. I do.

8   Q. You didn't say that? Didn't say anything like  
9       that?

10   A. I could -- yeah. I dispute threatening her  
11       with her job if she did not change Lavera  
12       McClain's evaluation.

13   Q. And she changed that evaluation, didn't she?

14   A. Yeah, she did.

15   Q. And felt bad about it in the process, didn't  
16       she?

16       she?

17   A. I'm --

18           MS. NELSON: Object to the form.

19   A. I'm not aware that she felt bad about it.

20   Q. Well, according to you, did she not talk to  
21       Lavera about it afterwards?

22   A. No. She told Lavera that she was threatened  
23       if she didn't change it.

0286

1   Q. She told Lavera that?

2   A. And I objected to her telling another  
3       employee --

4   Q. That she'd been threatened?

5   A. Yes.

6   Q. I see.

7   A. I thought it was unprofessional.

8   Q. Even if true?

9   A. Unprofessional. It wasn't true. I never  
10       threatened her with her job.

11   Q. Well, did you bring an action against Nancy  
12       for insubordination for telling another  
13       employee a lie that allegedly you had  
14       threatened her when, in fact, you hadn't  
15       threatened?

16           MS. NELSON: Object to form.

17   A. I don't know if it was insubordination, but  
18       I -- I remember being upset about her lying  
19       about that.

20   Q. Well, what do you call that when some employee

21 tells another employee that you threatened  
22 them of termination unless they  
23 changed evaluation.

0287

- 1 A. I don't think that's insubordination.
- 2 Q. Well, what do you call it?
- 3 A. Lying. She lied. I never threatened her with  
4 her job if she didn't change the evaluation.  
5 As the reviewing authority, if I had not  
6 signed the evaluation, she would have had  
7 to -- it wouldn't have gone through anyway.  
8 So I wouldn't have threatened her with her  
9 job.
- 10 Q. Let me try to move away from that evaluation.

**Dispute I am black and protected comment and watch white magistrates**

16 Q. In your response to interrogatory number one,  
17 you deny that you ever mentioned to Ms. Martin  
18 that because you was black that city officials  
19 would not do anything to you.

20 Could you have said something that  
21 Ms. Martin could have misinterpreted to be  
22 that kind of comment?

23 A. No.

0290

1 Q. Did you ever have a conversation with  
2 Ms. Martin where you told her that because you  
3 are black and a woman that the City wouldn't  
4 take any action against you?

5 A. No.

6 Q. You do know that Ms. Martin have said that,  
7 correct?

8 A. Yes.

9 Q. Ms. Martin also testified that she was  
10 instructed that whenever a white magistrate  
11 would do something to cause somebody to be  
12 wrongfully arrested, you insisted that she  
13 have a meeting with them but you made light of  
14 it when people were wrongfully arrested by  
15 black magistrates.

16 Do you dispute that?

17 A. Yes.

18 Q. That's not true?

19 A. No, that is not true.

20 Q. You did not put her on or instruct her to look

21 out for white magistrates making errors that  
22 could result in somebody's wrongful arrest?  
23 Is that a yes or no?

0291

- 1 A. I did not tell Nancy Martin to only look at
- 2 the white people.

#### **DISPUTE I AM A TRAITOR COMMENT**

17 A. No, I don't feel that.  
18 Q. Well, if you don't feel that, then to what  
19 were you referring when you mentioned in Sarah  
20 Fowler's presence that I was being a traitor?  
21 A. That was a mischaracterization.  
22 MS. NELSON: Object to the form.  
23 Q. A mischaracterization of what?

0292

- 1 A. Of a statement.
- 2 Q. Well, what was her statement?
- 3 A. Hers or mine?
- 4 Q. What was her statement?
- 5 A. I don't know.  
6 MS. NELSON: Sarah Fowler's statement?
- 7 Q. Yeah. What was Sarah Fowler's statement?
- 8 A. You just said she said I said that you were a  
9 traitor.
- 10 Q. Yeah. But you said she misunderstood you.
- 11 A. She -- I wasn't talking about you.
- 12 Q. You weren't talking about me at all?
- 13 A. No.
- 14 Q. You was talking about somebody else being a  
15 traitor?
- 16 A. I was.
- 17 Q. I see. And so she just assumed you was  
18 talking about me?
- 19 A. Yes.
- 20 Q. However, the discussion on the table was about  
21 me?
- 22 A. It was not about you.
- 23 Q. Well, isn't it true that one of the

0293

- 1 attorneys -- and it could have been Shaun --
- 2 told you that he had seen me in Judge
- 3 Anderson's courtroom or office, somewhere, and
- 4 at that time, you made the statement so the

5 way when he said that he seen me --

6 A. Do you want me to tell you what happened?

7 MS. NELSON: I'm not sure if he's got a  
8 question on the table or not.

9 Q. Well, isn't that when the statement was made,  
10 when he mentioned that?

11 A. No.

12 Q. So Sarah Fowler was lying about you?

13 A. I don't know about what part. I -- I can tell  
14 you what happened but --

15 Q. Accusing me of being the traitor.

16 A. Yes. She -- yes. I never accused you of  
17 being a traitor, never.

18 Q. Okay. I'm willing to allow you to tell me now  
19 since you didn't try to clear that up before  
20 you could --

21 MS. NELSON: I don't know that she's had  
22 any other time to clear it up before.

23 I'm not sure what the question is.

0294

1 MR. JAFFREE: Well, you may have had  
2 opportunities to clear this up. You  
3 had opportunities to clear it up in  
4 your interrogatory response to  
5 question number one.

6 MS. NELSON: She respond -- if you asked  
7 the question, she responded.

8 Q. Well, would you like to clear up how --  
9 somehow she mischaracterized your statement of  
10 the traitor?

11 MS. NELSON: I object to the form. You  
12 can ask her what she said.

13 Q. Well, what did you say?

14 A. I was talking to -- we were in court and --  
15 well, we weren't in court. We were in the  
16 courtroom. It was after court. And Derrick  
17 Yarbrough came in and said that he had seen  
18 you and Judge Anderson talking and laughing at  
19 the courthouse.

20 And I said, let me call him and tell him  
21 something. And I called Judge Anderson's  
22 secretary, Amanda, and she answered the phone  
23 and said Judge was out.

0295

1 And I said, well, you tell him the next  
2 time that woman is out there marching around

3 with that sign about Judge Anderson hates old  
4 people, I'm going to be out there with her  
5 because he's a traitor.

6 Q. See, I --

7 A. And Sarah took that and told you what Mary  
8 Beth or somebody -- and then you took it and  
9 put it in all the writings that I called you a  
10 traitor. And that never happened.

11 Q. So Ms. Fowler just sort of --

12 A. Heard one end of a conversation.

### March 10 2005 meeting

11 Q. I have a series of questions relating to  
12 pages. I don't know where I got this from.  
13 And in benefit to you, I'm not asking you  
14 these questions that I've got pages numbers on  
15 because I don't know what that relates to.

16 Now, let me ask you this: On or about  
17 March the 10th of 2004 -- or was it 2005? I  
18 think -- it may have been 2005. Did you tell  
19 the staff to make no contact with Mary Turner?

20 MS. NELSON: Again I would -- you're  
21 asking 2004, 2005? Would you put this  
22 in some context?

23 Q. Let me see here. It was in 2005, on or about  
0311

1 March 10th, 2005, did you have a meeting with  
2 your staff where you told them to make no  
3 contact with Mary Turner?

4 A. I don't remember the specific date.

5 Q. All right. Well, do you recall ever having a  
6 meeting with the staff where you told them to  
7 make no contact -- have no contact with Mary  
8 Turner?

9 A. I remember the investigators going up to the  
10 office with us and telling us to inform them  
11 to not mess with the computer, not contact her  
12 for a short period of time because they were  
13 trying to control the computer system and  
14 access to her office.

15 Q. Did you do anything to suggest that this was  
16 limited to a short period of time?

17 A. Well, I told them that they were right in  
18 the -- we were investigating -- I don't know

19 because I was trying to be protective. I  
20 don't know what I told them, but it was  
21 certainly for a short period of time, to not  
22 contact her, not touch the computer until we  
23 let them know. They were trying to get in

0312

1 touch with Tim Stewart to freeze her computer  
2 so that they couldn't change anything.

3 Q. Let me show you this. Let me -- this is not  
4 necessarily the best copy, but we'll call this  
5 Plaintiffs' Exhibit 5 --

6 MS. NELSON: Well, don't put it -- you're  
7 putting it over my sticker. That was  
8 my -- also -- I'm sorry. I already  
9 had that sticker on it.

10 MR. JAFFREE: I done forgot where this  
11 came from. This came from somewhere.  
12 (Plaintiffs' Exhibit 7 was marked  
13 for identification.)

14 Q. Let me show you what's been marked as  
15 Plaintiffs' 7 and see if you can recognize  
16 that document.

17 COURT REPORTER: Mr. Jaffree, was that 7?

18 MR. JAFFREE: Yes, 7.

19 COURT REPORTER: Because you said 5 first,  
20 and then you said 7.

21 MR. JAFFREE: Well, I'm sorry. Yeah, it  
22 said 5 on there, but it was 7.

23 Q. Do you recognize that document?

0313

1 A. Yes.

2 Q. Is there anywhere on that document where you  
3 make reference to a short period of time?

4 A. No. But I think -- that was my understanding,  
5 that it was just until they could get control  
6 of the computer system in her office.

7 Q. Control of the computer system.

8 A. Of the -- of her computer so nobody could go  
9 in and change anything.

10 Q. So they should limit their contact for the  
11 time it took them to get the control of the  
12 computer?

13 MS. NELSON: Well, I think Number 7 can  
14 speak for itself. It says "while the  
15 internal investigation conducted by  
16 the Dothan Police Department was

17                   underway."

18 Q. So it was broader than just simply control of  
19                   the computer?

20 A. Among other things, the investigation. They  
21                   wanted to -- they wanted to freeze her  
22                   computer. They're trying to get in touch with  
23                   Tim Stewart to freeze the computer. They were

0314

1                   investigating these complaints, and they  
2                   didn't want anybody calling her or colluding  
3                   with her, is my understanding. So they just  
4                   said, no exact. It was the -- the internal --  
5                   the investigators told us to go tell them to  
6                   not contact her.

**By what authority do not contact**

A. Among other things, the investigation. They  
21                   wanted to -- they wanted to freeze her  
22                   computer. They're trying to get in touch with  
23                   Tim Stewart to freeze the computer. They were

0314

1                   investigating these complaints, and they  
2                   didn't want anybody calling her or colluding  
3                   with her, is my understanding. So they just  
4                   said, no exact. It was the -- the internal --  
5                   the investigators told us to go tell them to  
6                   not contact her.

7 Q. But by what authority did the investigators  
8                   have to tell you to tell your staff not to  
9                   contact Ms. Martin?

10                  MS. NELSON: If you know.

11 Q. If you know, by what authority?

12 A. Yeah. I don't know. They were investigators,  
13                   and I didn't question their investigation at  
14                   that point.

15 Q. Did these people control your office?

16 A. No.

**DO NOT DISCUSS INVESTIGATION**

**PAGE 316**

10 Q. Did you give this to staff? All right.  
11                  You also said that you instructed them  
12                  that "no discussion with anyone regarding this  
13                  matter was to take place."

14           Do you remember telling them that as well,  
15           no discussion with anybody?  
16   A. I don't remember specifically but possibly, if  
17           that's what the memo said.

**LENGTH OF DO NOT CONTACT MANDATE**

21           Could you identify with me in detail what  
22           mischief you thought to prevent with your  
23           directive that the staff was not to contact

0317

1           Mary Turner?

2           MS. NELSON: Object to the form. She's  
3           already answered the question. I  
4           object to the term.

5           MR. JAFFREE: She's not answered that  
6           question.

7           MS. NELSON: Yes, she has. She said the  
8           investigators instructed --

9           MR. JAFFREE: Can you let her --

10          MS. NELSON: She's answered the question.

11          MR. JAFFREE: She haven't answered the  
12           question.

13          MS. NELSON: If you would listen, she has  
14           answered the question.

15   Q. Let me ask you this: Other than some  
16           investigator, who was it that told you this?

17   A. I don't remember specifically. There were two  
18           investigators I think at the time. And I  
19           don't remember which of them said it.

20   Q. Some investigator told you -- came out and  
21           told you, instruct the staff -- instruct your  
22           staff to have no contact with Mary Turner?

23   A. Yes. I was in the courtroom, and they came in

0318

1           and said, we need to get control of the  
2           office --

3           MS. NELSON: Say who "they" is.

4   A. The investigators. It was either Keith  
5           Gray --

6           MS. NELSON: From the police department.

7   A. From the police department. Keith Gray, Ray  
8           Owens or one of those two.

9   Q. What limitation did they put on this no  
10           contact?

11 A. Just that what -- well, it was my  
12 understanding -- and I think I conveyed  
13 that -- that it was until they could get  
14 control of the computer system because I put  
15 in there, nobody was to go in her office.  
16 They were investigating the allegation that  
17 there had been ticket fixing in the office,  
18 and they didn't want anybody colluding with  
19 anyone else.

20 Q. Well, when did they get control of the  
21 computer system?

22 A. I don't know at what point.

23 Q. Well, let's --

**DO NOT DISCUSS TO PROTECT MARY REPRETATION**

7 Q. Well, when did they tell you that the  
8 investigation was complete?

9 A. I don't remember, but I even told them that  
10 day that if they wanted to talk with Mary  
11 after hours to let me know, and I would ask  
12 the investigators how to handle that. I  
13 didn't know. I wasn't trying to tell them not  
14 to ever associate with her, just while the --  
15 the criminal was going on.

16 Q. You haven't answered my question. When did  
17 they tell you their investigation was  
18 complete?

19 A. I don't remember the date.

20 Q. Did they ever tell you their investigation was  
21 complete?

22 A. I'm sure at some point they said, it's okay.

23 Q. Did you have a meeting with the staff telling

0321

1 them that the investigation is complete and  
2 now you can contact Mary?

3 A. I don't remember.

4 Q. Well, how would the staff know when it's okay  
5 to contact Mary?

6 A. Well, it would have been communicated to them  
7 in some way.

8 Q. Well, did you communicate it to them in some  
9 way?

10 A. I'm sure -- I don't remember because Mary was  
11 eventually charged with criminal charges and

12 everything else transpired.

13 Q. If somebody says you never communicated to  
14 them in some way that the investigation was  
15 over, would you be in a position to dispute  
16 that?

17 A. That I never communicated --

18 Q. You never communicated to them that the  
19 investigation was over.

20 A. I would dispute that. I mean, I -- nobody  
21 ever came and asked me, could they contact  
22 Mary and I said, no, you're -- no. So I would  
23 dispute that.

0322

1 Q. So you did tell them at some point the  
2 investigation was over?

3 A. I just don't remember specifically how it  
4 happened.

5 Q. Well, is that something you would remember?

6 A. There was so much going on that -- during that  
7 time, and we were trying to be protective of  
8 Mary because they were simply allegations at  
9 that point.

10 Q. Protective of Mary?

11 A. Yeah. Because there was a lot of rumor and  
12 allegation. And I just asked them not to talk  
13 about it.

14 Q. How would Mary be placed in jeopardy by  
15 somebody talking to Mary?

16 A. No. The rumors and the allegations. Nobody  
17 knew for sure, and it was just allegation.

18 Q. Answer my question.

19 A. I just asked them to stop talking about it.

20 Q. Answer my question: How would Mary be harmed  
21 by somebody talking to Mary?

22 A. How would she be harmed?

23 Q. You said you wanted to protect Mary. Are we

0323

1 talking about Mary Turner?

2 A. I wanted to protect her reputation and her  
3 character. At that point, it was just simply  
4 allegations. We didn't know if they were true  
5 or not, and I didn't think they should be  
6 running around talking about it.

7 Q. So that's why you didn't want staff to talk  
8 to --

9 A. No. I did that at the behest of the

10 investigators.

11 Q. Did you not want staff to talk to each other  
12 as well?

13 A. No. I think I said other -- talking about it.  
14 I meant generally.

15 Q. All right. But were you trying to protect  
16 Mary by telling staff, have no contact with  
17 her?

## MORE ON NO CONTACT

4 A. Well, I -- I was in my mind trying to tell  
5 them to stop talking about -- it was just  
6 simply allegations going around.

7 Q. I'm a little bit confused. How many people in  
8 addition to yourself knew that there was a  
9 criminal investigation going on?

10 A. How many people? I have no way of knowing  
11 because once I met with Personnel, the legal  
12 department, and the police chief, that was the  
13 extent of my -- I never got back involved with  
14 it.

15 Q. Well, do you know whether --  
16 A. So I don't know who they told.

17 Q. Do you know whether Mary knew that there was a  
18 criminal investigation going -- Mary Turner  
19 knew that there was a criminal investigation  
20 going on concerning her?

21 A. No, I don't know.

22 Q. Do you know if any of the other magistrates  
23 knew that there was a criminal investigation

0325

1 going on concerning Mary?

2 A. Do I have personal knowledge that they knew?

3 Q. Yeah, personal knowledge.

4 A. I have no personal knowledge that they knew.

5 Q. Well, if they didn't know a criminal  
6 investigation was going on, what could they  
7 possibly tell Mary in contacting Mary that  
8 would interfere with the criminal  
9 investigation?

10 A. You want me to answer it?

11 Q. Well, if you can.

12 A. Well, there was a lot of allegations, rumors  
13 just going around that Mary Turner was in

14 trouble because this guy had come in, talking  
15 about fixing tickets. Just -- I guess it was  
16 just a normal leak, but nothing had been  
17 substantiated. I never told them about the  
18 allegations, but I knew there was a lot of  
19 whispering and rumors going on. And for that  
20 reason, I asked them to not to --

21 MS. NELSON: Let her answer.

22 MR. JAFFREE: Well, I'm stopping her  
23 because she's not answering my

0326

1 questions.

2 MS. NELSON: You don't like what she has  
3 to say. That's the reason you're  
4 stopping her.

5 MR. JAFFREE: But she's not answering my  
6 question. I asked her, what could  
7 they tell Mary that would interfere  
8 with the investigation. I'm trying to  
9 find out. If they didn't know  
10 anything and if Mary --

11 MS. NELSON: She didn't know what they  
12 knew. They could do a lot.

13 MR. JAFFREE: Well, tell -- I want her to  
14 tell me a lot of what they could do  
15 that interfered with the  
16 investigation.

17 A. Well, if they contacted Mary, she could tell  
18 them to go in the computer and delete the  
19 files of the other Phelps boy's tickets who --  
20 that had been --

21 Q. She didn't know what the investigation was  
22 about.

23 A. I don't know whether --

0327

1 MS. NELSON: How do you know that?

2 A. -- she knew.

3 MS. NELSON: There's no testimony to that.

4 MR. JAFFREE: Do you have your records?

5 MS. NELSON: You're trying to testify on  
6 her behalf. There's absolutely no  
7 evidence in this proceeding that she  
8 didn't know what was going on.

9 MR. JAFFREE: Assuming --

10 MS. NELSON: She knew full well what she  
11 was being suspended for.

12           **MR. JAFFREE:** Assuming these documents are  
13            true--

14           **MS. NELSON:** What documents, Mr. Jaffree?

15           **MR. JAFFREE:** The documents that I'm  
16            looking at. Let me move on because I  
17            don't want to --

18           **MS. NELSON:** Mary Turner was ultimately  
19            indicted of a criminal offense. And  
20            as I understand it, entered a -- had  
21            some kind of deferred prosecution or  
22            something. But she was under criminal  
23            investigation for a very serious

0328

1           charge.

2           **MR. JAFFREE:** It's in the record that she  
3            was charged with a misdemeanor and not  
4            found guilty of any misdemeanor. But  
5            be that as it may, we're talking about  
6            a single ticket.

7           **MS. NELSON:** This all your  
8            characterization.

9           **MR. JAFFREE:** Well, how many tickets are  
10          we talking about. I thought we was  
11          talking about a single traffic ticket.  
12          We're not talking about any espionage  
13          or forgery or whatever she was charged  
14          with that --

15           **THE WITNESS:** Extortion.

16           **MS. NELSON:** She was charged with  
17            extortion.

18           **MR. JAFFREE:** Yeah. But she wasn't  
19          charged with extortion. She just  
20          simply wasn't. That's not true.  
21          That's not part of the record. You  
22          can't find a record where she was  
23          charged with extortion. She wasn't.

0329

1           And if I have to prove -- present a  
2           document to establish that, I will.  
3           Since I represented her, I know.

4           But, anyway, be that as it may, I  
5           want to go on.

6           **Q.** Did you explain to the staff why this  
7           no-contact directive was important?

8           **MS. NELSON:** I think asked and answered.

9           **Q.** Can you answer the question, yes or no?

10 A. Why I thought it was important or why it was  
11 important?

12 Q. Why the no-contact directive was important?

13 Did you explain to them why it was important?

14 A. It was important -- no, I didn't -- I don't  
15 know if I said why it was important. I just  
16 told them that we were not to contact Mary  
17 pending this investigation.

18 Q. So you didn't tell them why it was important.

19 A. And if they wanted to talk with her after  
20 hours to let me know, and I would ask how they  
21 needed to do that.

22 Q. Did you place any limits on this prohibition?

23 A. Limits such as?

0330

1 MS. NELSON: Asked and answered.

2 MR. JAFFREE: That's not asked --

3 Q. Did you place any limits on the prohibition,  
4 no contact? Were there any limits to it, or  
5 was it absolute, don't contact her in church,  
6 don't say hello?

7 A. I told --

8 MS. NELSON: Asked and answered.

9 A. I told them if they wanted to talk  
10 with -- contact her -- no. I didn't tell them  
11 not to go to church or after hours. I told  
12 them they could talk with her after hours, let  
13 me know, and I'd find out -- you know, tell  
14 the investigators, they go to church with them  
15 or whatever.

16 Q. Well, you'd have to consult with the  
17 investigators before they would be permitted  
18 to talk to them after hours?

19 A. No. I -- I just told them to let me know if  
20 they wanted to talk with her after hours. I  
21 didn't know how to handle that.

22 Q. I read everybody's transcript. I don't  
23 remember anybody saying that you told them

0331

1 that they could talk to her after hours if  
2 they contact you and get clearance. I don't  
3 recall --

4 MS. NELSON: I don't know whose transcript  
5 you are even talking about.

6 MR. JAFFREE: All the magistrates'.

7 MS. NELSON: There's no testimony in this

8 case about any magistrates.

9 MR. JAFFREE: All the magistrates'.

10 There's nothing to that effect. So --

11 MS. NELSON: That's your statement,  
12 Mr. Jaffree.

13 MR. JAFFREE: Well, fine.

14 MS. NELSON: And I move to strike it.

15 MR. JAFFREE: Fine. Fine. Fine.

16 Q. Were you acting in your administrative or  
17 judicial capacity when you issued your  
18 no-contact directive?

19 A. I'm reticent about saying it was my no-contact  
20 directive. I didn't -- you know, it wasn't at  
21 my behest or my initiation. I simply did what  
22 the investigators told me was necessary at the  
23 time. So I don't --

0332

1 Q. Well, you adopted that no-contact directive,  
2 didn't you?

3 MS. NELSON: Object to the  
4 characterization. She said she --  
5 adopt, she never said she adopted it.

6 MR. JAFFREE: I'm asking her.

7 MS. NELSON: She said she communicated it.

8 MR. JAFFREE: I'm asking her.

9 A. I communicated it.

10 Q. Did you adopt their no-contact directive to  
11 you as your no-contact directive?

12 MS. NELSON: Object to the form. She's  
13 testified as to what she did.

14 THE WITNESS: Right.

15 Q. There's -- no, no. Right? Yes or no, did you  
16 adopt their no-contact directive --

17 MS. NELSON: Object to the form.

18 Q. -- as your no-contact directive?

19 A. I wouldn't say I adopted it. But, you know,  
20 they're criminal investigators. If they come  
21 in there and say, go tell them not to talk to  
22 Mary, not to come to that computer, I wouldn't  
23 have said, no, I'm not going to do that.

0333

1 Q. Did you --

2 A. So I did not adopt it. I'd simply  
3 communicated the no-contact order that was  
4 communicated to me by the criminal  
5 investigators.

6 Q. Did you initiate --

7 A. I did not.

8 Q. Well, can I finish my question?

9 Did you initiate any disciplinary action  
10 because your no-contact directive was  
11 breached?

12 A. Did I initiate any disciplinary action because  
13 "the" no-contact order was breached?

14 Q. Yeah, because the no-contact order was  
15 breached?

16 A. I don't remember.

17 Q. Did you charge somebody with insubordination  
18 because the no-contact order was breached?

19 A. Yes.

20 Q. Was it because of your no-contact order was  
21 breached or the police department's no-contact  
22 order was breached?

23 MS. NELSON: I object to the form.

0334

1 A. And I think they're one in the same. There  
2 was a no-contact order in place.

3 Q. So you adopted it?

4 MS. NELSON: Object to the form.

5 Q. So you adopted it?

6 MS. NELSON: That's your characterization?

7 MR. JAFFREE: Well, she said "one in the  
8 same." What does that mean? What  
9 does "one in the same" mean to you?

10 MS. NELSON: It's one in the same. Accept  
11 her testimony. And she's not saying  
12 she adopted it. Just ask her  
13 factually what happened. You don't  
14 like what she says, and you just get  
15 hung up on your version of the way you  
16 want to hear it.

17 Q. If you didn't --

18 MS. NELSON: You can ask her factually  
19 what happened.

20 MR. JAFFREE: Wait a minute. I'm asking  
21 her.

22 Q. If you didn't adopt it, why did you discipline  
23 somebody for its breach?

0335

1 A. Because it was in place at the time. I  
2 communicated it. And I told them, you know,  
3 do not contact Mary. And I told them that the

4       investigators said, you know, not to contact  
5       Mary, it was an investigation.

**AFTER HOUR CONTACTS**

15       I said, because I know you and Mary are  
16       friends. And if you want to contact her, let  
17       me know.

18       And she didn't say a word.

19       Q. Did you expect staff, including Ms. Brackin,  
20       to use their own discretion on what contacts  
21       with Ms. --

22       A. No.

23       Q. -- Turner was permissible?

0336

1       A. No. It was clear that they were not to  
2       contact her or go in her office.

3       Q. Did you intend your directive to be all  
4       inclusive, sweeping, and cover the universe of  
5       possible contacts?

6       A. No. That's why I gave her the option of  
7       contacting her after hours.

8       Q. Did you say, no, that she was free to contact  
9       her after hours?

10      A. She never asked.

11      Q. Was she free to contact her after hours?

12      A. If she had asked, possibly.

13      Q. Well, had she contacted --

14      A. She said she didn't have any reason to.

15      Q. Had she contacted you to contact her after  
16       hours, would you have granted that contact?

17      A. I don't know. I mean, I -- I -- just --

18       supposition.

19       MS. NELSON: Ms. Brackin was disciplined  
20       for insubordination for a phone call  
21       that she made during office hours,  
22       which she's admitted to. And the  
23       judge has already dismissed that count

0337

1       in your case. And so --

2       MR. JAFFREE: Can I continue?

3       MS. NELSON: -- we're beating a dead  
4       horse.

5       MR. JAFFREE: I appreciate your giving a

6 closing and an ultimate statement or  
7 whatever kind of statement.

8 MS. NELSON: I'm just telling you --

9 MR. JAFFREE: But if I could go on.

10 Q. Were there any time or date or circumstances,  
11 exceptions to your directive?

12 A. If they wanted to contact her after hours.

13 MS. NELSON: Asked and answered.

14 Q. Were you aware that Ms. Turner and Ms. Brackin  
15 were close friends?

16 MS. NELSON: Asked and answered or at  
17 least answered.

18 Q. Were you?

19 A. I thought they were.

20 Q. Okay. Did you know that they visit each  
21 other's homes?

22 A. No, I didn't know that.

23 Q. That they attended the same church?

0338

1 A. No. I thought Mary Beth went to a different  
2 church.

3 Q. They went out socially together? Were you  
4 aware of that?

5 A. Mary Beth told me that Mary Turner's husband  
6 had been having improper sexual advances with  
7 a nephew --

8 Q. I didn't ask you about any --

9 A. -- and she wasn't comfortable being around  
10 him.

11 Q. I didn't ask you that.

12 A. That's what I'm telling you.

13 MS. NELSON: Well, you did. You asked  
14 her.

15 A. That's why I laughed when you said --

16 Q. I didn't ask you anything about her husband.  
17 I asked you --

18 A. No. You said did they have social -- I'm  
19 sorry -- did they have social contact. So I  
20 wouldn't think they would because Mary Beth  
21 told me that Mary Turner's husband performed  
22 fellatio on his 18-month-old nephew, and she  
23 wasn't comfortable with her son being around

0339

1 him.

2 Q. All right.

3 A. That's what Mary Beth Brackin said. So I

4       wouldn't think they would socialize. But,  
5       now, I don't know.

6       Q. Were you aware that they frequently spoke to  
7       each other on the phone when not at work?

8       A. No, I was not aware of that.

9       Q. Were you aware that they enjoyed the presence  
10      of each other's company?

11      MS. NELSON: Asked and answered.

12      A. She told me she didn't like him around her  
13      child since he liked to have sex with boys.

14      Q. I wasn't talking about him. I'm talking about  
15      the two of them.

16      A. I don't know. I would think she wouldn't have  
17      been comfortable with them around.

18      Q. Would your knowledge of a close relationship  
19      and a frequent non-work-related contact  
20      between the two of them have made a difference  
21      in your directive or how you would implement  
22      it?

23      A. I wasn't aware that there was one.

0340

1       Q. But if you were aware that they had a close  
2       relationship, would that have made  
3       a difference in your directive?

4       A. Well, that's why I gave her the option of  
5       talking to her after hours. I told her that  
6       if she wanted to talk with them after hours,  
7       let me know.

8       Q. Given your understanding of the prohibition of  
9       the state and understanding with the right  
10      that all free citizens have to associate with  
11      each other, do you think in hindsight that  
12      your directive was overbroad?

13      MS. NELSON: Object to the form. Calls  
14      for legal conclusions.

15      Q. Do you understand what overbroad means?

16      A. Yes.

17      Q. Do you think that maybe in hindsight your  
18      directive was overbroad?

19      MS. NELSON: Object to the form.

20      A. And it was not -- and I say it was not my  
21      directive. It was not -- I would have not  
22      thought to just go up there and say, y'all  
23      don't do this or y'all don't speak to

0341

1       anybody. I was directed there was a criminal

2 investigation going and they didn't want them  
3 colluding or tampering with evidence. And  
4 that's what I communicated to them.

5 Q. Now, did you testify already how you learned  
6 that the police investigation was completed?

7 A. I'm sure just I got the results -- no, I did  
8 not testify to that. I don't remember.

9 Q. Don't remember. So you don't know how you  
10 learned that it was completed. When was it  
11 completed?

12 A. I don't remember specific dates.

13 Q. You don't know who told it was completed?

**MORE AFTERHOUR CONTACTS OK**

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4 Q. Would participating with Ms. Turner in a Bible  
5 study class during the prescriptive time have  
6 been a violation of your no-contact directive?

7 A. No, because it was after hours.

**ADOPTION OF POLICE INVESTIGATION NO FURTHER INQUIRY**

6 Q. How was the staff to know when it was okay to  
7 resume contact with Ms. Turner?

8 A. I guess that they would have been told. I  
9 don't remember how it happened.

10 Q. They were expected to know by being told,  
11 huh? Okay. But you don't know whether they  
12 was told or not.

13 Now, do you know pursuant to what  
14 authority the police officers interviewed the  
15 staff concerning your no-contact directive?

16 A. No, I don't.

17 Q. I understand that there was some posting on a  
18 web site of the fact that Ms. Turner was under  
19 investigation; is that correct?

20 A. I have no personal knowledge. I didn't see it  
21 on the web site.

22 Q. Is that posting the trigger for the decision  
23 of police officers to interview your staff?

0343

1 MS. NELSON: If you know.

2 A. I don't remember. I was not a part -- I was  
3 not involved in that.

4 Q. Was Officer Gray involved in that  
5 interrogation of your staff?

6 MS. NELSON: Object to the form.

7 A. Was Officer Gray involved in the investigation  
8 of Mary Turner's criminal complaint?

9 Q. Well, you prefer that word rather than  
10 interrogation?

11 A. I don't know specifically which investigator  
12 was -- there were two I think at the time.  
13 I'm not sure which.

14 Q. Did one of the police officers give you a  
15 recommendation of what rule or regulation of  
16 the personnel board that Ms. Turner -- I'm  
17 sorry, strike that -- Ms. Brackin may have  
18 violated by contacting Ms. Turner?

19 A. It might have been a part of their findings  
20 that -- in their investigation that these were  
21 the Personnel Rules and Regulations that were  
22 broken.

23 Q. Do you know upon what authority does the  
0344

1 police department have in informing you what  
2 personnel rules have been broken by an  
3 employee under your charge?

4 A. I think that was just the result of their  
5 investigation, that the results of their  
6 investigation revealed that those rules had  
7 been broken. They did not dictate those  
8 disciplinary charges to me. They just  
9 probably mentioned them in their investigative  
10 report.

11 Q. Did the police report that you received  
12 recommend that you terminate Ms. Brackin?

13 A. I don't remember specifically.

14 Q. Did you do any further or make any further  
15 inquiry after you received the police report  
16 to make an independent assessment of whether  
17 or not Ms. Brackin should be terminated?

18 A. Which -- Ms. Brackin's termination? No, I did  
19 not do any further investigation of the facts  
20 of any investigation. I didn't go behind them  
21 and investigate any more. No.

22 Q. So if they recommended termination, you  
23 adopted their recommendation?

0345

1 A. No.

2 MS. NELSON: Object to the form. That was  
3 not the testimony.  
4 Q. You didn't adopt their recommendation?  
5 A. No. I mean, I would have -- I would have  
6 looked at their report, but I would not  
7 necessarily have adopted the recommendation  
8 that she be terminated.  
9 Q. Well, do you know for a fact whatever contact  
10 Ms. Brackin had with Ms. Turner, whether or  
11 not that interfered with the police  
12 investigation?  
13 A. Do I know for a fact?  
14 Q. Uh-huh (positive response).  
15 A. No. I don't know what she communicated to  
16 Ms. Turner.  
17 Q. Did the police share with you the results of  
18 their complete investigation?  
19 A. I'm sure they did.

#### OTHER VIOLATORS OF DIRECTIVE

20 Q. Okay. Were you aware -- by the way, before I  
21 ask you that question, let me back up.  
22 You have a directive here that says, there  
23 should be no contact with Ms. Turner. You  
0346  
1 have another directive that says, there should  
2 be no discussion with anyone regarding this  
3 matter. Is that correct?  
4 MS. NELSON: Again, the documents can  
5 speak for themselves.  
6 MR. JAFFREE: But there's at --  
7 MS. NELSON: You only read parts of it.  
8 MR. JAFFREE: -- least two directives  
9 there of the staff.  
10 (Brief pause)  
11 A. That's what it says. Yes, sir.  
12 Q. Were they both of equal weight or which one  
13 was greater weight?  
14 MS. NELSON: This is so ridiculous.  
15 MR. JAFFREE: Excuse me.  
16 Q. Even though it's ridiculous, if you could  
17 answer my question.  
18 A. I didn't weigh them. I just simply, you know,  
19 communicated what was told to me and asked  
20 them to not do it.

21 Q. When you got the police report, did you learn  
22 that Eunice had communicated with a friend  
23 about the investigation of Ms. Turner?

0347

1 A. I don't remember that specifically.

2 Q. Well, do you remember the police officer  
3 asking all of them had they communicated with  
4 someone about that investigation?

5 A. I wasn't present when they talked with them.

6 Q. But you got the report. You said that, you  
7 got their report.

8 A. Well, I got the report of the investigation of  
9 Mary Beth -- I mean, Mary's criminal charges.  
10 This is the investigation of -- I was aware  
11 there was a separate investigation by the  
12 police department of the leak.

13 Q. Well, now, I'm not necessarily limiting it to  
14 Mary's criminal investigation. They was  
15 investigating to determine who had contacted  
16 Rickey Stokes and caused that --

17 MS. NELSON: Are you testifying or is this  
18 a question?

19 MR. JAFFREE: She asked me a question and  
20 I'm telling her.

21 MS. NELSON: You're telling her -- you're  
22 supposed to be asking her questions  
23 and not telling her --

0348

1 MR. JAFFREE: Well, I'm telling her what  
2 investigation I'm talking about.

3 A. Do you have it, a copy of it?

4 Q. A copy of what?

5 A. Of what you're talking about. You said  
6 they --

7 Q. There's a massive amount of documents. But do  
8 you know from your experience whether or not  
9 the police department was investigating who  
10 could have told Rickey Stokes that there was  
11 an internal investigation going on?

12 A. I remember there was an investigation by the  
13 police department of --

14 Q. And as part of that investigation --

15 MS. NELSON: Just let her answer.

16 A. I remember there was an investigation of that  
17 by the police department. Yes.

18 Q. And as part of that investigation, they asked

19 each of them, who have they communicated with?

20 MS. NELSON: Each of whom?

21 Q. Each of your magistrates --

22 MS. NELSON: If you know.

23 Q. -- who they communicated with.

0349

1 A. I don't -- no. I mean, I remember vaguely  
2 that there was an investigation, but I don't  
3 -- I wasn't a part of it. I wasn't there when  
4 they talked with them or --

5 Q. And Eunice said that she had told a friend in  
6 addition to her daughter the details of the  
7 investigation as part of their report?

8 MS. NELSON: Object to the form. Do you  
9 know that?

10 THE WITNESS: No.

11 Q. In fairness, other ones said that they told  
12 their husband or told their wife, but Eunice  
13 is the only one that told some friend of hers  
14 about the investigation.

15 MS. NELSON: Object to the form.

16 Q. It's in the record. Do you dispute that's in  
17 the record?

18 MS. NELSON: What record?

19 MR. JAFFREE: It's in the police  
20 interrogation record.

21 Q. Do you want me to pull the Eunice one out to  
22 show you?

23 A. I just don't know that specifically, but you

0350

1 say other people told other -- I don't know.  
2 Did anybody else contact Mary Turner?

3 Q. Well, we're not talking about Mary Turner  
4 now. We'll talking about whether or not they  
5 told anyone about the investigation. Your  
6 directive says to talk to nobody about the  
7 investigation. And they talked to other  
8 people about this investigation. At least the  
9 rest of them kept it within the family.

10 Eunice didn't keep it within the family?

11 MS. NELSON: Object to the form.

12 Q. She talked to other people.

13 MS. NELSON: Object to the form.

14 Q. Now, assuming that happened, would that have  
15 been insubordination?

16 A. Assuming that happened?

17 MS. NELSON: Object to the form.

18 Q. Assuming that Eunice as she admitted in her  
19 statement under oath --

20 MS. NELSON: Object to the form.

21 Q. Assuming that Eunice had talked to --

22 A. I think all of them, not just Eunice. You  
23 said all of them admitted to talking to

0351

1 somebody.

2 Q. Well, would that have been insubordination?

3 A. That all of them talked with someone?

4 Q. Uh-huh (positive response).

5 A. I think it would have been in violation of the  
6 spirit of the order. Yeah.

7 Q. Yeah. And none of them was terminated, were  
8 they?

9 A. Not -- no, not terminated.

10 Q. None of them was warned that they had  
11 committed a violation of a directive, were  
12 they?

13 A. Not that -- I don't -- I didn't know that.

14 Q. Whatever police -- Sergeant Gray, the same one  
15 who sort of was used as a reference for  
16 Lavera, that same Sergeant Gray --

17 MS. NELSON: Object to the form. Object  
18 to your testimony. Objection to your  
19 interjection of opinion.

20 MR. JAFFREE: Am I wrong about it?

21 Q. Have you looked at Lavera's application for  
22 employment and who she put down as her  
23 reference?

0352

1 A. No, I haven't.

2 Q. Well, it's Sergeant Gray. You're familiar  
3 with Sergeant Gray --

4 MS. NELSON: I object to your continuing  
5 testifying.

6 Q. -- are you not?

7 A. He worked for the City of Dothan.

8 Q. You're quite familiar with him; is that not  
9 correct?

10 A. No. He works for the City of Dothan. We're  
11 not --

12 Q. The two of you are friends?

13 A. No, we're not friends.

14 Q. All right.

15 A. We don't socialize. We don't go to the same  
16 church. We don't know the same people.

17 Q. Sergeant Gray who did this internal  
18 investigation was aware that people had  
19 violated your directive, specifically Eunice?

20 A. Now, you said everybody.

21 Q. Yeah. But Eunice violated by bringing in a  
22 stranger.

23 MS. NELSON: Object to the form. Do you  
0353

1 know what he's talking about?

2 THE WITNESS: I -- just from what he's  
3 talking about, no.

4 Q. Do you dispute what I'm talking about?

5 A. I don't remember saying that.

6 Q. Do you dispute what I'm talking about?

7 A. I don't dispute that she -- I have no way to  
8 dispute that. I don't know. Do you have a  
9 copy of it that I can see?

10 Q. Yeah, I have a copy of it.

11 A. Okay. Can I -- did I sign it or --

12 Q. Did you sign it? No. We're talking about her  
13 testimony, who she admitted talking to.

14 MR. JAFFREE: I guess we can take a break  
15 and I'll find this for you.

16 (Brief recess)

17 (Plaintiffs' Exhibit 8 was marked  
18 for identification.)

19 Q. All right. I'll point to you what I've marked  
20 for identification purposes as Plaintiffs'  
21 Exhibit 8 in response to the question about  
22 Eunice. And Officer Keith Gray made this  
23 statement to Eunice. I'll give you his

0354

1 statement and Eunice's response.

2 "Okay. Um, since the judge gave everyone  
3 the directive not to talk about it to anyone,  
4 um, have you mentioned it, the investigation  
5 to anyone?"

6 "I did mention it to a family member."

7 That's Eunice speaking. I'm sorry. Yeah,  
8 Eunice speaking.

9 Officer Gray: "Okay. Who is that  
10 member?"

11 Eunice: "Ah, Melissa White."

12 Officer Gray: "Who?"

13           Eunice: "Melissa White."  
14           Officer Gray: "How is she related to  
15        you?"  
16           Eunice: "Just a friend."  
17           Officer Gray: "Okay. What contact, what  
18        did you say?"  
19           Eunice: "Ah, I said that, ah, there was  
20        an investigation going on, and it's about Mary  
21        Turner in our office because she had did  
22        something. We wasn't sure what was it yet."  
23           Officer Gray: "Does Ms. White know  
  
0355

1        Ms. Turner?"  
2           Officer Gray (sic): "No."  
3           Officer Gray: "Okay. Did you" --  
4           MS. NELSON: Wait. You're  
5        mischaracterizing that. You said  
6        officer --  
7           MR. JAFFREE: This is Officer Gray: "Does  
8        Ms. White know Ms. Turner?"  
9           Eunice: "No."

10          MS. NELSON: Okay. Eunice said no.  
11          MR. JAFFREE: I'm sorry.

12          Q. Officer Gray: "Okay. Did you say anything to  
13        anybody else?"

14            "I think I mentioned it to my daughter."  
15            Officer Gray: "How old is your daughter?"  
16            Eunice: "How old? 30."

17            And then it goes on.

18            Officer Gray: "What is your daughter's  
19        name."

20            Eunice: "Claudette" --

21          A. Can I not see it and read it myself? It's for  
22        me to --

23          Q. -- "Hawthorne."

0356

1          A. Read the rest of it.

2          Q. Officer Gray: "And just what did you tell  
3        her?"

4            Eunice: "I just told her that we were  
5        having some problems in the office. I didn't  
6        mention any name."

7            Officer Gray: "Okay. Anyone else?"

8            Eunice: "That's it."

9            Like I said, numerous employees discussed  
10        this with people that could have discussed

11       this with people that could have led to Rickey  
12       Stokes having information about this  
13       investigation. And that was the purpose of  
14       this investigation, to find out how did Rickey  
15       Stokes find out. That was the sole purpose of  
16       this internal affairs investigation.

17       MS. NELSON: Object to the form. Is that  
18       a statement or --

19       MR. JAFFREE: Well, there's all kind of  
20       statements we can go through. I'm  
21       just saying that's the purpose. Every  
22       time they would give people their  
23       yearly rules, they would say it's an

0357

1       investigation on who told.

2       MS. NELSON: Object to the form and  
3       statement.

4       Q. My question is, would you agree that purely  
5       based on your directive, the Exhibit 7 I  
6       believe, that Eunice committed  
7       insubordination?

8       A. Based on what you're showing me today that I  
9       don't remember seeing. But I -- I guess I  
10       made distinction -- I make the distinction  
11       between contacting Mary Turner, the defendant  
12       or the object of the investigation and  
13       discussing having problems at the office with  
14       a friend and a family member.

15       Q. Well, I thought it was a little bit more than  
16       a problem, it was saying that she was under  
17       investigation, the very thing that you didn't  
18       want people to know. But if you want to say  
19       that's a distinction, fine.

20       A. Well, I mean, that's the distinction I will  
21       make today. I didn't make it at that time  
22       because in the report -- where is the -- on  
23       the report of the Mary Turner and Mary Beth

0358

1       investigation, I don't think it mentioned  
2       that, that Eunice had talked -- said -- or  
3       numerous people.

4       Q. But the report submitted all of these  
5       documents. I mean, that was part of the  
6       report.

**MAY HAVE HAD THE FULL REPORT BUT DID NOT LOOK AT IT JUST  
TOOK THE OFFICER'S WORD**

10 Q. Well, are you soliciting that the report just  
11 had a narrative of the police and no  
12 documents?  
13 A. Let me be honest with you. I don't remember  
14 seeing this. I thought there were like --  
15 MS. NELSON: This is being Plaintiffs'  
16 Exhibit 8?  
17 A. -- disks or something but not this.  
18 MS. NELSON: Have you not seen --  
19 A. If there was, I didn't look at it. I'm  
20 sorry. I just looked at the report. I didn't  
21 read the individual interviews or anything  
22 like that.  
23 Q. So you just took the police officer's word and  
0359  
1 made a decision on the basis of what the  
2 police officer told you without reading any  
3 testimony itself?  
4 A. Well, the results of their investigation  
5 revealed that -- whatever. Yes. I just  
6 looked at that. I didn't go back and look any  
7 further at the investigation.  
8 Q. Would you agree that the results of that  
9 investigation would reveal insubordination?  
10 MS. NELSON: Object to the form. Could  
11 you show her the report?  
12 A. And the other people's statements.

**SARAH FOWLER MADE CONTACT**

1 A. Mary -- Mary Beth was the only person that  
2 said she contacted Mary Turner, is my  
3 understanding.  
4 Q. Well, that's not true either.  
5 A. Somebody else said they contacted her?  
6 Q. Do you remember Sarah Fowler saying that she  
7 took Mary Turner out to lunch for her  
8 birthday? Do you remember that being in the  
9 report?  
10 A. After the directive?  
11 Q. Yeah, after the directive.  
12 A. I didn't look at that.

13 Q. Well, that's contacting Mary Turner. That's  
14 in the report as well. But let's forget about  
15 that right now. Let's talk about this traffic  
16 ticket right quick.

**AT THE TIME OF THE NO CONTACT DIRECTIVE MRS. TURNER HAD NOT  
BEEN CHARGED WITH ANYTHING**

A. -- was terminated when she was criminally

0361

1 indicted I think for -- for the traffic  
2 ticket.

3 Q. Do you know if Ms. Turner was ultimately  
4 charged with mishandling a traffic ticket, a  
5 misdemeanor?

6 A. I don't know what she was ultimately charged  
7 with.

8 Q. So you don't know. At the time Ms. Turner was  
9 investigated for that ticket, she had not been  
10 charged with anything; is that correct?

11 A. At the time she was investigated for it?

12 Q. Yeah. The investigation that you mentioned in  
13 Exhibit 7, Ms. Turner hadn't been charged with  
14 anything?

15 MS. NELSON: Number 7 being?

16 THE WITNESS: The memo about no contact.

17 MR. JAFFREE: The memo that you no  
18 contact.

19 A. She hadn't been charged?

**DON'T KNOW WHO AUTHORIZED THE TURNER INVESTIGATION**

Q. I'll pass it.

19 Do you know who was assigned to conduct an  
20 investigation of Ms. Turner?

21 A. Not specifically.

22 Q. Did you play any role in the initiation of  
23 this investigation?

0372

1 A. Other than calling them and telling them, no.

**DENY THAAT IT WAS HER DIRECTIVE**

4 Q. Sent her an e-mail, would that have been  
15 sufficient contact to violate your directive?  
16 MS. NELSON: Again, object to the form.  
17 A. Right, and my directive. It was a directive  
18 of the investigators that they not -- I think  
19 that needs to be clarified on the Record. It  
20 was not my directive.

23 A. I communicated it to them through the  
0375 investigators.  
1 Q. But it became your directive when you enforced  
3 it, didn't it?  
4 MS. NELSON: Object to form.  
5 A. I communicated it to them.  
6 Q. But it became yours when you enforced it,  
7 correct?  
8 A. I didn't -- I'm not saying I adopted or  
9 initiated it. I communicated it.  
10 Q. Somebody lost their livelihood as a result of  
11 you enforcing that directive; is that correct?  
12 A. Somebody lost their livelihood as a result of  
13 violating that directive, a choice they made.  
14 Q. Okay. A choice. All right.

## THE PEOPLE WHO VIOLATED THE DO NOT DISCUSS DIRECTIVE

13 A. I think when I asked her not to talk with  
14 anybody about it, I was trying to be  
15 protective of Mary. And I kind of meant,  
16 gossiping with other people outside the  
17 office. But I tried to convey that as best I  
18 could that -- and I told them that I was being  
19 protective of Mary. There was a lot of  
20 allegations and rumors; let's not talk about  
21 it. And I meant, add fuel to the fire. You  
22 know, I really was trying to be protective of  
23 her because there were merely allegations and  
0377  
1 no substantiated evidence of any wrongdoing by  
2 her.  
3 Q. Melanie Wise spoke to her husband. Was that a  
4 violation of your directive?  
5 MS. NELSON: Object to the form.

6 A. I -- no. I think it's reasonable that they  
7 would tell their spouses that something was  
8 going on at work.

9 Q. And so they should have just realized that  
10 that was reasonable?

11 MS. NELSON: Object to form.

12 A. I think it's expected that they'll talk to  
13 their husbands. If they're -- if they're  
14 down, their husband say, what's going on. Oh,  
15 we got an investigation at work. I don't  
16 think that violates the spirit of the order.  
17 No, I don't.

18 Q. And Ann spoke to her husband, so that didn't  
19 violate it either?

20 MS. NELSON: Object to the form.

21 A. Do we know what she told her husband, or if  
22 she said, we're having problems at work or  
23 there's an investigation at work or one of my

0378  
1 co-workers is in trouble? We don't know what  
2 she told them. And I think it's expected that  
3 they would to talk to something -- to their  
4 spouses.

5 Q. Let me just check these off. Melissa Woods  
6 talked to her husband; that's okay as well,  
7 right?

8 MS. NELSON: Object to the form.

9 A. I'm not saying it's okay, but we don't -- do  
10 we know what they told her? She talked to  
11 them --

12 Q. About the investigation.

13 MS. NELSON: Object to the form. Do you  
14 know if she talked to her husband?

15 THE WITNESS: No. No, I don't know that  
16 she talked to her husband.

17 Q. Now, let me discuss this case with Melissa.  
18 You have a problem with that -- discussed the  
19 investigation?

20 MS. NELSON: Who's Melanie and who's  
21 Melissa?

22 Q. Do you know Melanie?

23 A. Do I know Melanie?

0379

1 Q. And Melissa Woods?

2 A. Or Melissa Woods?

3 Q. Well, Melanie discussed it with Melissa. Was

4       that okay?

5   A. I don't know that she did.

6   Q. Okay. But it's all in the police report?

7   A. I don't know. It might be in that stuff that  
8       you have.

9   Q. Well, either I'm making this up, or it's on  
10      the police report.

11      Michelle Bryan discussed this with her  
12      husband. The same response?

13      MS. NELSON: Object to the form.

14   A. I don't know that she did.

15   Q. Well, if she did, same response, it's okay to  
16      discuss with your husband?

17   A. I didn't say it was okay. I said it's  
18      expected that if something unusual --

19   Q. Expected.

20   A. -- is going on at the office for them to tell  
21      their spouses. Now, whether they went into  
22      specific allegations, we don't know.

23   Q. Well --

0380

1   A. If they --

2   Q. I'm sorry. Go ahead.

3   A. Well, you said discuss this. So if said, our  
4      office is in an uproar, then that's expected.  
5      We don't know what they said. So it depends  
6      on what they communicated, if it was about the  
7      investigation. We don't know. I had to work  
8      over because I had to do somebody else's  
9      duties because she's out on investigation. We  
10     don't know, Mr. Jaffree, so it would depend on  
11     what I knew about the facts of that particular  
12     incident.

13   Q. Do you have any idea why Officer Gray, who was  
14      conducting the investigation to see who may  
15      have leaked this information to Rickey Stokes,  
16      would not have questioned these people  
17      thoroughly as to who they had talked to and  
18      perhaps even talked to the people that they  
19      talked to, to see if he could get to the  
20      bottom of it of it?

21      MS. NELSON: Object to form.

22   A. No, I don't have any idea what he asked or --

23   Q. Okay. What exception does Eunice discussing

0381

1      with Melissa White -- by the way, are you

2       **familiar with Melissa White?**

3   A. No.

4   Q. So you don't know who she is?

5   A. No.

6   Q. What exception does Eunice discussing this  
7       with her friend Melissa White does that fit  
8       in?

9   A. I don't - I don't make an exception.

10      MS. NELSON: Object to the form.

11     Q. No exception.

12     A. I don't know what she told her friend.

13     Q. Well, I read to you what she told her friend.

14     A. I don't know what all she told her friend, and  
15       I didn't know about it. I didn't make an  
16       exception.